

CALIFORNIA

SUPERIOR COURT OF THE STATE OF

FOR THE COUNTY OF SAN DIEGO

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Coordination Proceeding)
Special Title (Rule 1550(b)))
In re TOBACCO CASES II)
Case No. JCCP

No. 4042

This document relates to:)
DEPOSITION

OF

The People of the State of)
California, et al, v. Philip) CAROL ST.

COOK

Morris Incorporated, et al.,)
Los Angeles Superior Court Case)
No. BC 194217;)

The People of the State of)
California, et al., v.)

General Cigar Co., et al, San)
Francisco Superior Court Case)
No. 996780;)

The People of the State of)
California, et al, v. Brown &)

Williamson, et al., San Francisco)
Superior Court Case No. 996781;)
and)

People of the State of California)
v. Tobacco Exporters, et al.,)
San Francisco Superior Court,)
Case No. 301631)

SERVICE LIST "B")
_____)

TAKEN ON: Wednesday, May 3, 2000

TAKEN AT: 550 West C Street, Suite

1440

San Diego, California

REPORTED BY: CYNTHIA DEPWEG

CSR NO. 3280

RPR NO. 036984

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APPEARANCES:
FOR PHILIP MORRIS, INCORPORATED
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33 New Montgomery Tower, 19th Floor
San Francisco, California 94105-9781
BY: BURTON A. GROSS, ESQ.
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1 I N D E X
2 WITNESS EXAMINED BY
PAGE 3 CAROL ST. COOK MR. GROSS
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10 I N D E X O F E X H I B I T S
11 NUMBER
PAGE 12 480 1/1/90 to 8/31/90 Progress Report,
50 13 481 7/15/91 cover letter with a 1/1/91
53 14 482 to 6/30/91 Progress Report, 75 pages
54 15 482 7/1/91 to 12/31/91 Progress Report,
16 483 43 pages
54 17 483 8/3/92 cover letter and a 1/1/91 to
18 484 6/30/92 Progress Report, 111 pages
54 19 484 7/29/94 cover letter and a 7/1/92 to
484A 6/30/94 Progress Report, 52 pages
55 20 484A 7/1/93 to 12/31/93 Progress Report,
21 484B 43 pages
55 22 484B 7/1/92 to 12/31/92 Progress Report,
485 19 pages
22 485 7/1/94 to 12/31/94 Progress Report,

56	23	19 pages
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3	1	488A 1/1/97 to 6/30/97 Progress Report,
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60		6/30/98 Final Comprehensive Report,
5		197 pages
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		12/31/98 Progress Report, 60 pages
60	7	491 1/1/99 to 6/30/99 Progress Report,
61	8	125 pages
62	9	492 7/1/99 to 12/31/99 Progress Report,
		259 pages
69	10	493 Document entitled Time to ATAC!
	11	29 pages
70	12	494 1-page The ATAC Team flyer
71	13	495 Document entitled Time to ATAC!
	14	47 pages
80	15	496 Document entitled Stay Clear of the
	16	12 pages
81	17	497 Document entitled Photo-Talk About
	18	Tobacco, 2 large pages
83	19	498 One-page Ramona Sentinel newspaper
	20	clipping
84	21	499 ATAC Commercial Schedule, 6 pages
Can	22	500 A document entitled "Tobacco Smoke
pages	23	Make You and Your Children Sick!" 2

			Document entitled Healthy Moms,
106	22		Healthy Kids, 1 wide banner-like
sheet	23	502	March of Dimes pamphlet, 2 pages
107	24	503	Document entitled Photo-Talk About
108			Tobacco, 4 pages
	25		
109	504		American Lung Association pamphlet
2 pages	26		entitled Smoking and the Two of You,
entitled	27	505	Tobacco Free California pamphlet
111			Smoking and Pregnancy, 2 pages
	28		
	4		
document	1	506	8-page document, first page a
	112		entitled "If you think smoking only
	2		affects you, ask your children."
	3	507	One-page 1/28/98 document entitled
Health	120		Fair and Community
	4		
	508		Document entitled 100% Smoke-free
120	5		Workplace, 56 pages
	6	509	A County of San Diego Guide to the
122			California State Workplace Smoking
Law,	7		2 pages
	8	510	Document entitled Smoke-Free Bars
133			Advertising Campaign, 15 pages
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	511		3-page document re: Smoke-free bars
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	512		One-page document entitled "Did you
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Update	145	514	Document entitled Media Campaign
	14		on the Advertising, 12 pages
	15	515	Consumer Reports article, "The Truth
154			About Secondhand Smoke" dated January
1995,	16		8 pages
	17	516	Document entitled Tobacco Clean Scene
155			dated Spring 1994, 24 pages
	18		

	517	Document entitled "The Party", A
164	19	Fotonovela on the Health Effects of Secondhand Smoke, 9 pages
	20	
	518	Document entitled Healthy Choices,
166	21	Healthy Beginnings, Perinatal Tobacco Prevention and Cessation, 29 pages
	22	
	519	Document entitled Healthy Choices,
167	23	An Educator's Guide to Perinatal Tobacco Prevention and Cessation, 30
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Section	171	520 Document entitled Tobacco Control
	25	Local Lead Agency Allocation Table, 2
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	26	521 Defendants' Notice of Taking
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American	183	522 3-page document, first page an
	28	Cancer Society pamphlet
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184	1	523 Document entitled Reducing Indoor Air
	2	Pollution, 8 pages
184	2	524 EPA letter date stamped 10/15/93 with
	3	attachments, 4 pages
	4	525 American Lung Association pamphlet
184	5	entitled Questions and Answers About
	6	Smoking and Health, 2 pages
document	184	526 2-page American Cancer Society
	7	entitled Tobacco IQ Answers
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1 C E R T I F I C A T E

have read 1, the undersigned, do hereby certify that I
of my 2 the foregoing deposition and that, to the best
(with knowledge, said deposition is true and accurate
below): 3 the exception of the following changes listed

Page	Line	Explanation
4		
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CAROT, ST.

7

1 San Diego, CA, Wednesday, May 3, 2000, 9:30

a.m.

2

3 CAROL ST. COOK,

4 HAVING BEEN FIRST DULY SWORN, TESTIFIED AS

FOLLOWING:

5

6 EXAMINATION

7 BY MR. GROSS:

8 Q. Good morning. We have already

introduced

9 ourselves off the record, but could you please

state

10 your full name for the record.

11 A. Sure. Carol St. Cook.

your

12 Q. Ms. St. Cook, have you ever had

your

13 deposition taken before?

14 A. Yes.

15 Q. How many times?

16 A. Once.

you did in

17 Q. And is that the deposition that

18 1998 in another tobacco-related case?

19 A. Yes.

a lawyer

20 Q. Have you had a chance to talk to

deposition?

21 A. Yes.

familiar

22 Q. And I take it, you are somewhat

23 24 with that as well from having done the previous

25 deposition also?

26 A. Yes.

go over

27 Q. Perhaps though we should briefly

here. I

28 them to make sure we're both on the same page

8

1 I will be going forward with a
question-and-answer format

2 where I ask questions, and you answer them.

It's

3 important that, during the course of the

questioning, we

4 not speak over each other, because that's

something that

5 is difficult for the court reporter to handle

when two

6 people are talking at once. The transcript

stays a lot

7 clearer if we're both careful not to interrupt

each

8 other in responding to questions or answers.

of the

9 Speaking of accuracy, at the end

10 deposition, after the deposition is done, the

court
transcript of
opportunity to
to the
changes
will be
time. As a
will be
best
ask. If
giving an
know that
speculation that's
So if I
speculation,
please let me know. Is that okay?

11 reporter will create a booklet that is the
12 the deposition, and you will have an
13 review that for accuracy. You can make changes
14 transcript, but you should be aware that any
15 that you make could be commented on in court or
16 elsewhere by counsel.
17 One of the things that I think is
18 important to mention at the outset is that we
19 asking for information that goes back some
20 result, there probably will be times where we
21 straining your recollection. I do want your
22 recollection with respect to questions that I
23 you have knowledge about something, if you're
24 estimate, that's okay. But you need to let me
25 it's an estimate. We don't want pure
26 not based on any real knowledge or information.

9
1 A. Yes.
2 Q. It's your deposition. We can
take breaks
3 whenever you would like. We probably should
take breaks
4 ever few hours or thereabouts, but please feel
free to
5 let me know if you want to take a break at any
time.
6 There will be times when I ask
questions
7 that may be unclear to you. If you think my
question
8 isn't entirely clear or if you don't understand
it
9 entirely, please ask me. Please let me know.
Please
10 ask me for clarification.
11 And one last thing. Although
we're in an
12 informal setting here today, I just want to
remind you
13 that you are under oath. I assume that you
understand
14 that?
15 A. Yes.
16 Q. Now that we're done with the
17 preliminaries, I think what I would like to

first talk a
18 little bit about is your background, perhaps
first your
19 educational background, if you could tell me, I
guess,
20 basically, your post high school educational
background.
21 A. I have a Bachelor's degree in
nursing,
22 nurse science, and I have a Master's degree in
public
23 health.
24 Q. Where did you get your bachelor's
degree?
25 A. San Diego State University.
26 Q. And where did you get your
Master's?
27 A. University of Hawaii.
28 Q. The bachelor's degree, is that --
does

10
that
1 that -- are you an RN as a result of getting
2 bachelor's degree?
3 A. Yes.
4 Q. And what years -- well, what year
did you
5 graduate from San Diego State, if you remember?
I'll
6 take an estimate.
7 A. This is terrible. Wait a minute.
8 Q. That's okay.
9 A. Can I figure it out and come back
to that
10 question?
11 Q. Sure. Sure.
12 A. Okay.
13 Q. Do you remember when you
graduated from
14 your Master's program?
15 A. It was probably about five years
after
16 that. Let me --
17 Q. Let's -- perhaps we should work
backwards.
18 A. Backwards?
19 Q. Starting maybe with your job
experience
20 and then working backwards.
21 A. Okay.
22 Q. Would that help?
23 A. Okay.
24 Q. What don't you tell me -- How
long have
25 you been working at the County?
26 A. 13 years.
27 Q. Has that been a continuous time
period?
28 A. Yes.
11
1 Q. So roughly 1987 to present?

2 A. Yes.
3 Q. Prior to that, where did you
work?
4 A. Prior to that, I worked in
Hawaii.
5 Q. Okay. As an RN?
6 A. Yes.
7 Q. Was that immediately prior to
working at
8 the County, or was there a time period?
9 A. No, there was a time period when
I took
10 care of my father-in-law.
11 Q. And working backwards, can you
figure out
12 the time period roughly when you were working
in Hawaii
13 as an RN?
14 A. 1976.
15 Q. That's when you started?
16 A. Yes.
17 Q. And how long did you do that?
18 A. Approximately five years.
19 Q. So about 1976 to 1981.
20 Did you go through your Master's
program
21 after the --
22 A. No, before that.
23 Q. Oh, okay.
24 A. So I graduated. There we are. I
25 graduated in '76.
26 Q. Graduated from your Master's
program in
27 1976?
28 A. Mm-hmm.
12
1 Q. And did you work in between your
Master's
2 program and your bachelor's program?
3 A. Yes.
4 Q. Where did you work then?
5 A. I worked with the Department of
Psychiatry
6 with the County of San Diego, Mental Health
Services.
7 Q. So was that during the period up
until
8 1976?
9 A. Yes.
10 Q. Do you know how long --
11 A. Well, two -- my Master's degree
was two
12 years. So that was '74.
13 Q. Oh, I see. It was before that,
right?
14 A. Right.
15 Q. So you worked up until 1974
there. Do you
16 know roughly how long you worked there?
17 A. A little over four years.
18 Q. So that brings us back to about
1970?

19 A. There we are.
20 Q. And is 1970 when you graduated
from your
21 bachelor's program?
22 A. It probably is.
23 Q. Were there any other full-time
jobs in any
24 of those time periods that we just discussed?
25 A. No.
26 Q. I think when we talked about the
27 bachelor's degree in nursing, you mentioned
nurse
28 science. Is that a specific focus of the
program?

13
is --
1 A. A Bachelor of Science in nursing
2 yeah, it's a particular focus.
3 Q. Is there any specific focus
within that
4 that you focused on?
5 A. I'm not sure what you are asking.
6 Q. I guess what I am wondering, is
there some
7 sort of specialty? Is there in a way in which
-- let me
8 back up. Strike that.
9 A. Okay.
10 Q. What I was wondering is, when

people go
11 through the bachelor nursing program, are there
certain
12 specialties or focuses that they can have? And
if so,
13 did you have one?

14 A. Yes. Psychiatry and
administration.
15 Q. In your training for your
bachelor's in
16 nursing, were there any -- was there any course
work or
17 educational material relating to the health
effects of
18 tobacco smoke?

19 A. Yes.
20 Q. Could you just generally describe
for me
21 what that information would have been? Let me
back up.

22 What I am trying to get is what types of
educational
23 programs there were about that.
24 A. To the best that I can recall,
there was
25 mention of it when we dealt with cardiology and
26 pulmonary disease.
27 Q. And the mention related to the
health
28 effects associated with tobacco smoke?

14
1 A. That was one.

the term
times we
my
worked in
give me a
Community
there?
of, again,
particular was
involve
individuals
tobacco
public

2 Q. Did that include at that time
3 environmental tobacco smoke --
4 A. No, focused on tobacco smoking.
5 Q. By the way, we have been using
6 environmental tobacco smoke, which probably at
7 will refer to as ETS or secondhand smoke. For
8 purposes, those are all the same thing.
9 A. Okay.
10 Q. You had mentioned that you had
11 Hawaii as a nurse from 1976 to 1981. Can you
12 brief description of what that job was?
13 A. I worked as a Director of
14 Services at St. Francis Hospital.
15 Q. What were your general job duties
16 A. It was actually being in charge
17 some of the service programs. One in
18 women in substance abuse.
19 Q. Did any of the service programs
20 tobacco smoke issues?
21 A. Only as an educational component.
22 Q. In other words, educating
23 about health effects related to environmental
24 smoke or tobacco smoke?
25 A. Tobacco, yes.
26 Q. Just general tobacco smoke?
27 A. (Inaudible response.)
28 Q. When you did your Master's in

15
focused on in
administration.
issues
frame work
and that
you are
was course
education, and

1 health, is there a subspecialty that you
2 completing that degree?
3 A. Public education and
4 Q. Did your education there involve
5 relating to tobacco smoke in any way?
6 A. Not specifically. More in the
7 of public education around different topics,
8 could be one of the topics.
9 Q. Let me see if I understand what
10 saying. In other words, there were -- there
11 work about how to go about doing public
12 that would be one of the topics that might be a
13 component of that course work?

14 A. Right, but it wasn't a full course.

15 Q. Right, I understand. In your educational

16 relate to background, have you ever taken courses that

17 statistics or statistical evaluation methods?

18 A. In the Master's program.

19 Q. What kind of courses were those?

Or if

20 you could just maybe describe the course or courses that

21 are responsive to that.

22 A. It was an evaluation course. So,

for

23 example, preimposed tests, data surveys, and

analyzing

24 data.

25 Q. Did the course teach you how to

do

26 statistical analysis?

27 A. To a certain extent.

28 Q. Is that the only course you had

16
1 that area?
2 A. Statistics was another course
that I took
3 with my bachelor's degree as well.
4 Q. Have you used the training that
you had in
5 college and in your Master's program with
respect to
6 statistics in any of your subsequent jobs?
7 A. Yes.
8 Q. How so, generally?
9 A. By and large, preimposed testing
and
10 interactive surveys.
11 Q. Can you explain for me what
preimposed
12 testing is?
13 A. Pretesting is giving either
verbally or
14 written questions to a given population to
determine the
15 knowledge base. Then there's an educational
16 intervention and then retesting to see if that
knowledge
17 base is changed in a post test.
18 Q. And what are interactive surveys?
19 A. Usually, they're engaging the
public. For
20 example, if you're surveying folks leaving a
grocery
21 store, it's an opinion poll in some sense, but
you had
22 some educational message first in the
environment and
23 then you evaluate whether or not there's an
impression
24 or an understanding or a knowledge base because

of that

25 intervention.

26 except for

27 Q. So is it similar to the first,

-- except

28 that it doesn't involve such a specific --

17

1 A. -- captured audience.

2 Q. Okay.

3 A. The other is captured only

because of the

4 frequency of where they are.

-- have

5 Q. I see. And have you done those

analyses

6 you been involved in those types of statistic

work with

7 or testing or surveys in connection with your

generally the

8 the tobacco control program?

9 A. Yes.

10 Q. Can you just describe for me

in that

11 surveys or preimposed testing that's been done

would be

12 capacity?

13 A. One example of a preimposed test

onset and

14 with youth. And surveying the youth on the

doing a

15 then, again, providing information, and then

changed.

16 post test to see if the knowledge base has

you can

17 Q. Are there any other examples that

with the

18 think of that have been done during your time

19 tobacco control program?

20 A. It's been done with adults.

interactive

21 Q. Again, preimposed testing or

22 surveys?

23 A. Well, both.

24 Q. I mean, those are sort of two

groups that,

25 I guess, in a way encompass the whole of

society, but

26 are there other subgroups for whom --

preteen and

27 A. We have had focus groups with

28 teens, young adults, depending on your

definition.

18

roughly 10 to

1 Q. Is preteen and young adults

2 18 or --

3 A. Yeah.

4 Q. How often has pre- and post

testing been

5 done under the tobacco control program in San

Diego?

6 A. Well, the example with youth,
there is --
7 we have, what we call, the Anti-Tobacco Action
Campaign,
8 which are teens trained in theater, and they
present to
9 younger children. And in that group, they
conduct pre-
10 and post tests.

11 Q. So there, we're talking about
skits or
12 plays that older teens perform for younger
children?

13 A. Correct.
14 Q. Did those skits sometimes involve
15 educational information about the health
effects

16 associated with environmental tobacco smoke?

17 A. Yes.

18 Q. Do you keep copies of the survey
results
19 of the pre- and post testing that's been done
in that

20 context?
21 A. Yes, for a certain period of

22 Q. So if I didn't see them in the
documents
23 that were produced to us, would that mean that
they were

24 discarded as part of a document retention

policy?

25 A. Correct.

26 Q. Are you familiar with, generally
speaking,
27 the results of those tests with respect to the
28 Anti-Tobacco Action Campaign theatrical
presentations?

19

1 A. Generally, yeah. Yes.

2 Q. What did the results show?

3 A. Generally, that youth have a high
products.
4 knowledge base when it comes to tobacco

5 Q. Is that a high knowledge base

even before
6 these programs or as a result of these programs
or both?

7 A. Probably both, because it

depends. I
8 mean, the campaign has been going on for 10
years; so --

9 Q. By that last statement, what you
are -- I
10 take it, what you mean is, for many of these
students,
11 that wouldn't have been the first intervention
they will
12 have had by the program providing educational
13 information about cigarette smoke or
environmental

14 tobacco smoke?
15 A. Correct.
16 Q. So some of the earlier warning
programs or
17 educational programs will have had an effect
even before
18 you get to the point where you're doing this
pre- and
19 post testing?
20 A. Correct.
21 Q. When you say the results show
that youth
22 have a high knowledge base, does that high
knowledge
23 base include knowledge, generally speaking,
about health
24 effects associated with environmental tobacco
smoke or
25 being around tobacco smoke?
26 A. Yes.
27 Q. You had mentioned that there were
also
28 either surveys or statistic analyses done with
respect

20
2 to mind?
1 1 to adults. Can you describe the ones that come
2 A. One was regarding cigar use.
3 Q. Do you remember any others?
4 A. Supporting a tobacco-free
lifestyle.
5 Q. One thing I wanted to back up on
with
6 respect to the youth area that we were just
talking
7 about, when you mentioned the results show a
high
8 knowledge base, what time frame are we talking
about
9 when these studies were done? Were they done
within the
10 last couple of years, or was it in the mid
'90s, some
11 other time?
12 A. Mid '90s.
13 Q. Other than the two adult-related
surveys
14 that we just talked about regarding cigar use
and
15 supporting a tobacco free lifestyle, were there
any
16 others that you can recall?
17 A. Again, it would be pre-work
places going
18 smoke free; and at that point, there were
interventions
19 with school personnel.
20 Q. I'm sorry. I'm not quite sure I
follow.
21 A. Well, it's another population.
What I am
22 trying to think of is there's different

populations that

23 are addressed, like, you know, English-as-a-
24 Second-Language classes, adults in schools.

25 Q. So when you say -- Do you mean

that there

26 were interventions done to educate teachers and
27 administrators about tobacco smoke issues in

connection

28 with having schools become smoke-free?

21

1 A. Yes.

2 Q. And there were surveys done --

3 A. Yes.

4 Q. -- in relation to that?

5 What did those surveys -- did

those --

6 back up. I'm sorry. Strike that.

7 Did those surveys assess whether

teachers

8 or administrators or other adults in school

were

9 knowledgeable about environmental tobacco smoke

issues?

10 A. Yes. Again, it was related to

policy

11 development; so -- so it was the harmful

effects of

12 tobacco smoke.

13 Q. Both the harmful effects of

primary

14 tobacco smoke and environmental tobacco smoke?

15 A. Yes.

16 Q. And what did the surveys show

with respect

17 to teachers and school administrators'

knowledge?

18 A. Basically, they were aware.

19 Q. They were aware of health effects

tobacco

20 associated with tobacco smoke and environmental

21 smoke?

22 A. Yes. Although I guess I could

add that

23 environmental tobacco smoke was less than

actual

24 smoking.

25 Q. Less aware?

26 A. Yes.

27 Q. Is virtually everybody aware of

the health

28 effects associated with primary tobacco smoke?

22

1 A. Yes.

2 Q. Do you remember what percentage

of people

3 were aware of health effects associated with

primary

4 tobacco smoke?

5 A. No, I couldn't give you a

concrete number.

6 Q. Do you have copies of those

surveys
that was
8 no longer available?
9 A. I don't.
10 Q. Can you describe for me the
surveys that
11 related to supporting a tobacco-free lifestyle?
I'm
12 sorry. One thing, I keep forgetting to do
this. The
13 surveys that we were just talking about, the
time frame
14 for that was when?
15 A. The same time frame.
16 Q. Mid '90s?
17 A. Mid '90s.
18 Q. Okay. Turning back then again to
the
19 supporting a tobacco-free lifestyle, maybe we
should
20 just start with the one question. When did
those
21 surveys take place?
22 A. The mid '90s.
23 Q. I wonder if you could just
describe for me
24 generally what those surveys entailed. I
guess, first,
25 is it one survey or multiple surveys?
26 A. It was basically one. Trying to
determine
27 the number of people that had a smoke-free
home, for
28 example, or smoke-free vehicle. So if there
was

23
1 exposing family
2 smoking, were they smoking outdoors, not
members.
3 Q. Do you have figures or could you
give me a
4 rough estimate of the percentage of people that
those
5 surveys found to have smoke-free vehicles or
smoke-free
6 homes?
7 A. No.
8 Q. I assume those surveys were San
Diego
9 County focused?
10 A. Yes.
11 Q. And, again, with respect to those
surveys,
12 do you or your office have copies of that
survey?
13 A. No.
14 Q. Do any of these surveys exist
anywhere
15 still?
16 A. The ATAC team may have pre- and
post-

17 tests although they were going -- they were
going more
18 toward the verbal pre- and post test with the
children.
19 So it wasn't a written document anymore.
20 Q. I'm not sure I understood that
answer.
21 Are you saying that The ATAC surveys never were
in
22 writing?
23 A. At one point, they were, and now
it's more
24 show of hands.
25 Q. I see. I see. So these surveys
still
26 actually occur, but they don't result in
written --
27 A. Documents.
28 Q. -- survey results?
24
1 A. Right.
2 Q. And they're not summarized.
Nobody
3 summarizing how many hands went up in the room
out of
4 the total group?
5 A. No.
6 Q. So, as far as you know, none of
the
7 surveys that we have talked about so far are
still
8 available in written form anywhere?
9 A. Correct. They're focus group
summaries,
10 and I believe you have some of those in the
progress
11 report.
12 Q. Did the progress reports provide
summaries
13 of some of these survey results? I have to
tell you; I
14 looked at them. I don't think I saw them in
there,
15 but --
16 A. I was going to say. I doubt -- I
don't
17 think so.
18 Q. They're long reports so I could
have
19 missed it; but --
20 Okay. I think you started
mentioning the
21 focus groups, which was the third category that
you had
22 originally identified. Can you describe for me
23 generally what you mean by "focus groups"?

A. Having a group of -- a
representation of
25 an identified population and then asking
specific
26 questions to get a representative sampling.
27 Q. And from, let's say, 1990 to

present, do
28 you have a sense of how many focus group
programs have

25
1 been done by your program or by people working
for your
2 program?
3 A. There have been at least three
that I know
4 of. I mean, that I recall, not know of.
5 Q. What were those three that you
recall?
6 A. Cigar usage, a youth campaign
focus group,
7 and deglamorization of tobacco.
8 Q. Let's take the cigar usage focus
group
9 first. When did that take place?
10 A. Approximately a year and a half
ago or so.
11 Q. So in the 1998, 1999 time frame?
12 A. Yes.
13 Q. Who was in the focus group?
14 A. These were young -- or, well,
youth.
15 Q. Could you describe for me
generally what
16 the focus group entailed, what was done?
17 A. A series of questions. For
example, what
18 would work in letting youth know the harmful
effects of
19 cigar usage and, again, getting information
from the
20 participants.
21 Q. So the idea was to basically try
to
22 understand better the group that you are trying
to reach
23 with a message so that you can reach them more
24 effectively?
25 A. Yes.
26 Q. What about the youth campaign?
27 A. Actually, it was the same type of
thing,
28 but focusing on tobacco products.

26
1 Q. So it was similar to the cigar
usage one
2 but focusing more generally on tobacco
products,
3 including cigarettes?
4 A. Yes.
5 Q. When did that take place?
6 A. That was early '90s.
7 Q. And there was the idea to get
input from
8 youth so as to be better able to tailor your
warning
9 message to them?
10 A. Yes.

11 Q. Did you provide any specific ads
or
12 warning material for them to look at and
comment on?
13 A. No.
14 Q. Did you ask youth questions that
provided
15 you information about how to reach them with
respect to
16 environmental tobacco smoke issues?
17 A. I'm thinking about the one
example of
18 environmental tobacco smoke with youth. What
worked
19 more was that it would make their clothes smell
bad as
20 opposed to being as harmful as cigarette
smoking.
21 Q. So, in other words, that they
should stay
22 away from environmental tobacco smoke because
it would
23 make their clothes smell bad?
24 A. Right, make them less glamorous.
25 Q. I see. It was to provide certain
reasons
26 or incentives, not necessarily health-based but
just
27 generally incentives for students to keep out
of the way
28 of tobacco smoke?

27

1 A. Yes.
2 Q. When did the
deglamorization-of-tobacco
3 group take place?
4 A. That was the same time as the
cigar.
5 Q. Was that also youth focused?
6 A. Yes.
7 Q. So there, were you looking for
input as to
8 what messages would be effective with teens to
9 deglamorize tobacco use?
10 A. Yes.
11 Q. Were any of the messages that
were
12 discussed in that -- in those focus groups
messages that
13 related to environmental tobacco smoke?
14 A. I believe we had -- yes, I
believe we had
15 a question on that.
16 Q. Do you remember what the question
is? Or
17 you can paraphrase it if you have some general
memory.
18 A. Generally, the belief or -- "Is
there a
19 belief that environmental tobacco smoke is
harmful?"
20 Q. So that question is asked of the

students

21 as part of --
22 A. Yes.
23 Q. -- or youth as part of the focus
group?
24 A. Yes.
25 Q. What was the answer to that
question?
26 What were the results, generally, if you
recall?
27 A. I don't recall the exact results,
but,
28 again, they weren't as high as knowing the
harmful

28

1 effects of tobacco use.
2 Q. Did virtually all students know
the
3 harmful effects of tobacco use?
4 A. Yes.
5 Q. Did the majority of students know
about
6 the harmful effects of environmental tobacco
smoke?
7 A. I'm not quite sure how to answer
that,
8 because I --
9 Q. Does that require you to
speculate or
10 guess?
11 A. Yes.
12 Q. So all you can really remember is
that it
13 was lower than the amount for primary tobacco
smoke, but
14 what it was specifically, you don't recall?
15 A. Exactly.
16 Q. Are those results written down
anywhere?
17 A. We just had a document purge; so
I would
18 have to find out. I don't know.
19 Q. Were those results reported in
some way in
20 the progress reports?
21 A. Yes.
22 Q. So would that be in the --
23 A. In past ones, not the last two.

The cigar

24 one is in there, I know.
25 Q. Is in which one?
26 A. One of the ones for the last
year.
27 Q. The ones that you just sent me?
28 A. Yes.

29

1 Q. Is the deglamorization-of-tobacco
one in
2 there?
3 A. I'm not sure.
4 Q. If it's not, would it be a timing

thing,
end up in
possible
a
purge, is
program
actually
of what
is?
for
documents from
available, but
--
certain stuff
stuff that's
30
government-wide
documents. I'm
the
stuff while
background
on that
this. I
you were
5 and it would be in the next one? Or would it
6 a progress report one way or another? Or is it
7 it wouldn't end up in there?
8 A. There should be mention of it in
9 progress report.
10 Q. When you mentioned the document
11 that part of some general document retention
12 that the County has or that your program has?
13 A. The County.
14 Q. What's --
15 A. Go through and set a time to
16 purge documents or materials and --
17 Q. Do you know the general outlines
18 that document purge or document retention plan
19 A. I believe the latest is retention
20 three years.
21 Q. So that means most likely
22 the 1998-to-2000 time frame are still
23 documents from before then may be purged?
24 A. May or may not be, yes. Although
25 Q. In other words, you can keep
26 if you want to, but you're allowed to purge
27 more than three years old?
28 A. Correct.
1 Q. Is that a whole County
2 policy?
3 A. Yes, depending on types of
4 not sure. Legal documents, they have different
5 standards.
6 Q. But for your department, that's
7 applicable policy?
8 A. Yes.
9 Q. Well, we got into all of this
10 we were still talking about your educational
11 and work background. So why don't we finish up
12 topic. During the time -- I may have asked you
13 can't quite remember. But during the time when
14 an RN in Hawaii, did you -- did any of the

programs you
15 worked on deal with tobacco smoke issues?
16 A. Indirectly, not directly.
17 Q. Can you elaborate on that a
little?
18 A. For example, with the substance
abuse
19 population, addressing addictions and addictive
20 behaviors, it was listed as an addictions or
addictive
21 behavior.
22 Q. Smoking?
23 A. Yes.
24 Q. In 1987, you said you came to
work for the
25 County. What was your first job when you came
to work
26 for the County?
27 A. I was doing public education
surrounding
28 HIV.

31
just
1 Q. Was that -- Well, maybe we should
the
2 back up. What is the name, the proper name, of
time?
3 department that you were employed in at that
time?
4 A. At that time, it was the
Department of
5 Health Services.
6 Q. Has the name of that changed over
time?
7 A. Yes.
8 Q. What is its name now?
9 A. It's the County of San Diego
Health and
10 Human Services Agency now.
you say you
11 Q. Have you always worked -- when
that
12 came to work for the County, has it always been
change?
13 entity, you know, taking into account the name
roughly, if you
14 A. Correct.
15 Q. When did the name change,
16 can recall?
17 A. It's been a couple of years now.
18 Q. Was that part of a reorganization
of the
19 department?
20 A. Yes.
21 Q. Well, we will get into that in a
minute,
22 but why don't we get through the jobs that you
have had.
23 For now, we will just call it the health
department,
24 which refers to both of those entities. Is
that okay?
25 A. Yeah.

26 Q. So your first job with the health
27 department was an AIDS-related job?
28 A. Yes.

32

1 Q. Were you providing health
education about
2 AIDS?
3 A. Yes.
4 Q. Was there any tobacco component
to that?
5 A. Not at that time.
6 Q. Was there at a later time?
7 A. Yes, but I was no longer with
HIV-AIDS at
8 a later time.
9 Q. So while you were doing that
work, there
10 wasn't a tobacco component, but there --
11 A. Correct.
12 Q. -- was starting at some later
period?
13 A. Yes.
14 Q. What time period were you doing
AIDS-
15 related educational work through the County
Health
16 Department?
17 A. Until '89. 1987 to 1989.
18 Q. And then after that, what did you
do?
19 A. Then I started with Prop. 99.
20 Q. So you really basically started
at the
21 inception of Prop. 99?
22 A. I was the director, yes.
23 Q. And you were the director of
what?
24 A. Of the Tobacco Control Resource
Program.
25 Q. Is that sometimes referred to as
the
26 Tobacco Control Program?
27 A. Or the Tobacco Control Resource
Center.
28 That name has changed several times, too, but,
33
1 basically, it's the end result of Prop. 99
funding.
2 Q. So that when we refer to the
Tobacco
3 Control Program within the County Health
Department,
4 that could be the Tobacco Control Resource
Program, the
5 Tobacco Control Resource Center, or the Tobacco
Control
6 Program. Those are all the same thing?
7 A. The same.
8 Q. By the way, I just want to remind
you that
9 we should not talk over one another, because we

will

10 probably confuse the court reporter.

11 A. The only -- let me just add one

thing.

12 With the inception of Prop. 10 and tobacco

settlement

13 dollars within the last year, there may be

reference to

14 a tobacco program, and it could be referring to

one of

15 those two entities.

16 Q. Are those separate

County-administered

17 programs, the ones from yours, from your

program?

18 A. Proposition 10 is.

19 Q. So there are separate people at

the County

20 level who are doing a Prop. 10-funded

tobacco-related

21 program?

22 A. Yes.

23 Q. Are they within the Health

Department?

24 A. Yes.

25 Q. Who's the head of that program?

26 A. The local -- well, Dr. Ross is

the head of

27 the agency.

28 Q. Does he head the -- as the head

of the

34

1 agency, is he the person who is in charge of

the

2 Prop. 10 program?

3 A. Mm-hmm.

4 Q. I'm sorry. "Yes"?

5 A. Yes.

6 Q. Well, we will get into that, too,

a little

7 bit later.

8 After -- from 1990 -- 1989 until

when were

9 you the Director of the Tobacco Control

Resource

10 Program?

11 A. Until today.

within the

12 Q. Do you hold any other positions

13 County government?

14 A. Yes.

15 Q. Or titles?

16 A. Chief of Health Promotion.

17 Q. I think what might be useful to

do right

18 now -- and this kind of goes back to the Prop.

10

19 discussion we were just having -- would be to

try and

20 create sort of a basic organizational chart, to

the

21 degree that we can, of what the -- what I am

referring
guess it's
and
the
Agency,

22 to as the County Health Department. But I
23 correctly titled the County of San Diego Health
24 Human Services Agency.
25 A. Correct.
26 Q. You had mentioned Dr. Ross. He's
27 head?
28 A. Dr. Ross is the Director of the

35
some
of the
Department of
of
blanking.
sorry. I'm
fill
there's
the
Agency,
ago?
of those
divisions of

1 correct.
2 Q. Okay. And are there divisions of
3 sort that fall beneath him?
4 A. Yes. First, there was a merger
5 Department of Health Services and the
6 Social Services, Veterans Services, Commission
7 Children, Youth, and Families.
8 Q. That's -- I'm sorry. Go on.
9 A. That's all right.
10 Q. Those three entities -- or four
11 entities --
12 A. Actually, there's five.
13 Q. There's five?
14 A. Mm-hmm.
15 Q. What's the fifth?
16 A. I'm blanking. I think I'm
17 Let's see. If I can go back to that. I'm
18 blanking.
19 Q. That's okay. Let's see if we can
20 this out a little bit. Those four -- but
21 actually five -- agencies all consolidated into
22 County of San Diego Health and Human Services
23 correct?
24 A. Yes.
25 Q. That happened a couple of years
26 A. Yes.
27 Q. So are those now all -- are each
28 previous departments now subcomponents or

36
Services
and Human

1 the County of San Diego Health and Human
2 Agency?
3 A. The County of San Diego Health
4 Services Agency represents now those

components, which

5 are also divided into six regions throughout
the county.

6 Q. So each one of those five have
six

7 regional offices?

8 A. The idea was to have one entity
spread in
9 six regions. So in each region, you should
find that --

10 one of those components and/or presence.

11 Q. I see. So there are offices in
six
12 regions -- in six regions, and in each of those
offices,

13 fall there are people who have responsibilities that
14 within the various --

15 A. Predominantly, health and social
services

16 were the largest entities.

17 Q. Right.

18 A. Okay.

19 Q. And does the Tobacco Control
Program fall

20 within the Department of Health among those

different --

21 A. Yes.

22 Q. Are they departments, or are they
23 divisions, or is there a word for them?

24 A. That's a good question. There
are
25 tobacco regions, and then there are -- actually, the

26 Public contract currently comes under the Office of

27 Health.

28 Q. Is that the fifth one?

37

1 A. No. That's one within --
actually, it's a
2 standalone. It was newly created with one of
the last

3 organizational transformations.

4 Q. So there's actually six then.
Five are

5 old ones, and this new one?

6 A. Well, but it's -- how do I
explain this?

7 It wasn't on the scene when the other ones were

put
8 together. Public Health Services existed in
the

9 Department of Health Services, but the

10 Health Services, most of those services, again,
are now

11 reflected in the six regions; but the retention

of
12 public health programs was retained in a
central

13 component, central office.

14 Q. Okay.
15 A. If that helps.
16 Q. Maybe the easiest way to go at
this is to
17 actually just sort of focus in a little bit
more on what
18 I am most specifically interested in.
19 A. Okay.
20 Q. What I was trying to do is get a
sense of
21 what the universe of groups or agencies are
within the
22 overall County Health and Human Services Agency
so that
23 I can understand who, other than, for example,
the
24 Tobacco Control Program, might be doing
tobacco-related
25 programming or educational or warning programs.
26 A. It would be predominantly the
Tobacco
27 Control Program. You know, as I mentioned with
Prop. 10
28 coming on the scene, there may be some
components within

38
1 that program as well.
2 Q. So that's one separate entity,
the
3 Prop. 10 entity.
4 A. Right.
5 Q. What about --
6 A. It has a local commission. The
Tobacco
7 Control has a local coalition. Right.
8 Q. So the local coalition, we will
get to,
9 too. As I understand that, that's not really
all county
10 groups. That's a bunch of other public or
private
11 groups that interact with the Tobacco Control
Program
12 and work together cooperatively?
13 A. Yes. Yes.
14 Q. There are references in the
document to a
15 perinatal program that seems to have some
smoking-
16 related educational activity. Are you familiar
with
17 that program?
18 A. I can't recall the exact year,
but roughly
19 in the mid '90s, a certain amount of Prop. 99
funds was
20 diverted to perinatal health.
21 Q. Was there a perinatal health
program that
22 was separate from the Tobacco Control Program
in San
23 Diego?

24 A. Yes.
25 Q. Do you know whether that program
--
26 whether a component of that program was to
provide
27 warning information to either expecting mothers
or new
28 mothers with respect to health effects of
tobacco smoke

39
1 or environmental tobacco smoke on children?
2 A. Yes.
3 Q. You know, I asked a question that
made the
4 answer confusing, because I asked "Do you know
whether"
5 it does, and you said yes.
6 Is the answer that there were --
there was
7 a component of the program that covered
information
8 about the effects of tobacco smoke and
environmental
9 tobacco smoke on fetuses and children?
10 A. Yes.
11 Q. So when you referred to the money
being
12 diverted -- strike that.
13 Are there any other groups like
this
14 perinatal health group that exist within the
County
15 government that do any kind of tobacco-related
education
16 or warning? One of the reasons I mention the
perinatal
17 group was to try and sort of cast a broad net.
18 A. Not as a primary focus.
19 Q. But are there some that do it as
a
20 nonprimary focus?
21 A. Oftentimes, there are health
messages that
22 are placed on different brochures as just, you
know, a
23 listing of health kind of messages, and it
could be in
24 one of those, but not as a primary focus, no.
A
25 separate Prop. 10, I guess.
26 Q. How about substance abuse
programming?
27 A. There is a substance abuse
entity, which
28 tobacco prevention messages was to be a part
of.

40
1 Q. What's the name of this substance
abuse
2 entity?
3 A. It used to be Alcohol and Drug

Services,
Tobacco
focus is
prevention
prevention
effects
at one
familiar with
that,
it's
way or
now?
of --
about
ETS
frame.
the
County of San
Agency
warning or
focus.
messages, and
it's not
the other
might come
4 and they're looking to have it as Alcohol and
5 and Drug Services. It's still -- The primary
6 alcohol and drugs. They have used a tobacco
7 component.
8 Q. Do you know if the tobacco
9 component contains information about the health
10 of environmental tobacco smoke?
11 A. Currently, I can't say. It did
12 time. Like four years ago, I know it did.
13 Q. So four years ago, you were
14 what they were doing. At that time, they had
15 correct?
16 A. Yes. With the reorganization,
17 different now.
18 Q. So you're just not familiar, one
19 the other, with whether they are doing that
20 A. Right.
21 Q. And did that exist for a period
22 strike that.
23 Four years ago takes us back to
24 1996. Were you familiar with whether they had
25 components before 1996?
26 A. Again, that's about the time
27 Q. Are there any other groups like
28 Alcohol and Drug Services Group within the
41
1 Diego Department of Health and Human Services
2 that has a nonprimary goal tobacco-related
3 education?
4 A. Again, it would be not a primary
5 Within Health Services, there are multiple
6 it could be appear as a message, but, again,
7 primary.
8 Q. Do you have some sense of what
9 types of programs, where that kind of message
10 up, are?
11 A. I know in HIV, it does now.

12 Q. Okay. Any others?
13 A. Possibly in some of the
subcontracts, but
14 then that's Prop. 99 money.
15 Q. Okay.
16 A. But I can't think of any others.
17 Q. We will come back to subcontracts
later,
18 but do you know whether the HIV program
contains
19 warnings both about smoking and being around
tobacco
20 smoke?
21 A. Yes, it does.
22 Q. Do you know what the nature of
the warning
23 is -- well, about either?
24 A. It surrounds the issue of
affecting the
25 immune-compromised person.
26 Q. Do you know how long that's been
a
27 component of the HIV program?
28 A. I would have to estimate, but I
would

42
10 1 estimate '96ish. 1996. '95, '96.
11 Q. You mentioned earlier the Prop.
actually
12 3 program. Has the Prop. 10 program in San Diego
or
13 4 produced any warnings, public warnings -- media
otherwise -- to date?
14 A. Not that I know.
15 Q. Are you not particularly familiar
with
16 5 what they're doing generally or --
17 A. I'm not currently, no.
18 Q. You're not currently aware of
what they
19 10 are doing?
20 A. Right.
21 Q. Who other than Dr. Ross is
involved with
22 11 the Prop. 10 programming at the County?
23 A. Gloria Brygelson is.
24 Q. Who is she?
25 A. She's someone who is -- I'm not
sure of
10 entity
26 12 her official title, but working with the Prop.
name?
27 13 within HHSA.
28 Q. Do you know how to spell her
s-e-n.
29 14 A. I think it's B-r-y-g-e-l-s-o-n or
people
30 15 Q. Do you have much contact with the
21 16 who are doing Prop. 10-related work?
22 A. No.
23 Q. Do you know if the Prop. 10

people in the
warning
broadest
environmental

26 county have done any kind of educational or
27 programming -- and I'm using programming in the
28 sense -- relating to the health effects of

43

1 tobacco smoke?

2 A. I really can't speak to their
activities.

3 Q. Okay. So far, I think we have
been
of Health
and Human
the County
tobacco

4 focusing only on within the County Department
5 and Human Services Agency -- the County Health
6 Services Agency. Are there other aspects of
7 government that have a role with respect to

8 warning or education?

9 A. Only as much as the County

policy.

10 Q. Can you explain to me what you
mean by

11 A. that?

12 Q. The County has a number of

policies.

13 There is one related to smoking at the work
place, that

14 type of thing.

15 Q. So you're saying that the County

-- there

16 are people who are involved in both developing
and

17 enforcing the policies that relate to tobacco

smoke?

18 A. Yes.

19 Q. Those are actually really

policies that

20 relate to environmental tobacco smoke as well?

21 A. Yes.

22 Q. There's also the County Office of

23 Education. Is that correct?

24 A. Yes, but it's not under our

domain. It's

25 separate.

26 Q. In other words, it doesn't fall

within the

27 same overall area of County government as does

your

28 department?

44

1 A. Correct.

2 Q. I see. I should back up and --

when I use

other

3 County government and ask, I'm asking about any

4 entities at the County level. I guess I mean

that in

than the 5 the broadest sense. So is there anybody other
broader 6 County Office of Education, if you use a
Office of 7 definition of what the County is?
of San 8 A. It's just that the -- the County
a part 9 Education is a separate entity than the County
the 10 Diego -- the County of San Diego, which HHSA is
group of 11 of. It reports to elected officials, and then
12 County Office of Education reports to another
13 elected officials. So they really are separate
14 entities.
15 Q. Does the County Office of
Education report 16 to the Board of Education and the -- or
something like 17 this -- a similar named entity, whereas your
department 18 reports to the Board of Supervisors?
19 A. Right.
20 Q. Either of those areas, is there
another 21 area other than the County Office of Education
that has 22 any involvement that you know of in
tobacco-related 23 warning or education?
24 A. Not that I know of.
25 Q. But the County Office of
Education does 26 have that sort of involvement?
27 A. Yes.
28 Q. Do you coordinate your efforts
with the

45
1 the Tobacco 1 County Office of Education?
2 to 2 A. They have been participants on
that 3 Control Coalition.
coalition? 4 Q. Does that mean that you are able
5 coordinate your activities between the two in
6 context or through that vehicle of the
Program 7 A. To some extent, yes.
8 at youth, 8 Q. And -- but the Tobacco Control
9 least 9 does do a lot of programming that is directed
10 correct? 10 and then the County Office of Education at
11 11 administers other programming that's also Prop.
99 12 funded that's also directed to the same youth,
13 A. Yes. The Prop. 99 funds that

County
used -- 14 Health and Human Services receives can only be
or -- 15 or cannot be used for in-classroom activities
are funded 16 well, in-classroom activities.
Office 17 Q. So in-classroom activities then
18 by Prop. 99 money that comes through the County
19 of Education?
20 A. Yes.
few 21 Q. Do you want to take a break for a
22 minutes?
23 A. Sure.
24 Q. I can use one.
25 (A recess was taken.)
26 marked.) 27 (Defendants' Exhibit Nos. 480 - 492 were
28 BY MR. GROSS:
exhibits Q. During the break, I had marked as

46
and I gave 1 Nos. 480 to 492 a series of progress reports,
review them. 2 you a few minutes to flip through them and
3 Have you had a chance to look at those?
4 A. To look at them, yes.
5 Q. I'm going to ask some questions
about the 6 group of exhibits as a whole, and then we will
go 7 through them a little bit very quickly one by
one. But 8 are those the progress reports, generally
speaking, for 9 1990 through 2000 that you produced, your
office 10 produced, to us?
11 A. Yes.
12 Q. Can you describe for me what the
progress 13 reports generally are for? Actually, perhaps I
14 shouldn't ask such an open-ended question. Let
me make 15 it clearer. The progress reports that you --
your 16 office provides to the State Department of
Health 17 Services are to summarize during a time period
what the 18 program has been doing with the Prop. 99
funding it 19 receives?
20 A. Yes.
21 Q. And is it correct that the
progress 22 reports, there are two types of progress
reports, ones 23 that summarize a subperiod within -- let me

back up. 24 Ones that summarize either a
six-month or 25 perhaps one-year period, and then comprehensive
reports 26 that summarize usually a two- or three-year
period? 27 Maybe I should back up, because I think you are
having 28 trouble with the question.

4 Q. That's your signature there?
5 A. Yes.
6 Q. So what that means is that you
are
7 certifying that this accurately reflects what
the
8 Tobacco Control Program did during the time
period that
9 the report encompasses?
10 A. Yes.
11 Q. I pointed to that because the
first couple
12 have the name of somebody else under the
signature page.
13 Actually, I take that back. Only the first one
does.
14 The first one, Exhibit 480, has Jane Young?
15 A. Yes.
16 Q. Was she your predecessor?
17 A. Yes -- well -- yes is accurate.
She was
18 the Chief of Public Health Education when Prop.
99
19 moneys came in.
20 Q. So other than this one though,
you were
21 the person who actually had the responsibility
to
22 certify and insure that these progress reports
23 accurately reflect what the Tobacco Control
Program was
24 doing --
25 A. Yes.
26 Q. -- over that time period?
27 A. Yes.
28 Q. And do you believe that they
accurately
49
1 reflect what the Tobacco Control Program was
doing
2 during each of the time periods?
3 A. Yes.
4 Q. Were you involved in preparing
this first
5 one that does not have your signature, Exhibit
480?
6 A. Yes.
7 Q. Do you believe this one to be
accurate as
8 well?
9 A. Yes.
10 Q. And these documents, are they
kept both at
11 the State Department of Health Services and in
your
12 County Department in the regular course of
business as
13 business documents or public documents?
14 A. I don't know how long they're
kept at the
15 State level, but we retain the progress report.
16 Q. Do you use the progress reports

yourself
past by
each of
480, is
Tobacco Control
were there
ones --
there's
the
to look
as well.
transmittal
look at
1?
complete copy
transmittal cover
amount on
figure of
with the

17 to reference back to what has been done in the
18 the program?
19 A. Yes.
20 Q. Okay. Let's go quickly through
21 them to establish what they reflect. Exhibit
22 this the report that summarizes what the
23 Program did during the January 1, 1990, through
24 August 31, 1990, time period?
25 A. Yes.
26 Q. Is this the entire report, or
27 attachments that are not included?
28 A. I'm not sure, because this says
50
1 Attachment 1; so --
2 Q. If you will look at each of the
3 A. Oh, I see what they did. Okay.
4 Attachment 1 is a form, a State form, and then
5 copies of attachments of what we did, meaning
6 program, at the end of the report.
7 Q. So I think -- it might be helpful
8 at 481 as an example?
9 A. Okay.
10 Q. Because it has the cover letter
11 Is Attachment 1 sort of the report, and the
12 letter is what it's an attachment to? If you
13 the second page, you will see it's Attachment
14 A. Right. This is the State form.
15 Q. So the report is Attachment 1 --
16 A. Right.
17 Q. -- effectively?
18 And so this is a true and
19 then of the -- of Attachment 1 for No. 480,
20 Exhibit No. 480?
21 A. Yes.
22 Q. All it's missing is the
23 letter?
24 A. Yes.
25 Q. There's a reference to contract
26 that first page of Exhibit 480, and it has the
27 \$1,784,678. What does that figure represent?
28 A. The dollar amount of the contract

1 State.
2 Q. Does it reflect the amount that
was
3 actually spent, or is it just an allocated
amount?
4 A. That was the allocated amount.
5 Q. And as we go through all of these
progress
6 reports, there's a reference to the contract
amount, and
7 it's -- those are all allocated amounts?
8 A. Yes.
9 Q. Were the allocated amounts
eventually all
10 spent? It was just a matter of timing as to
when they
11 were spent, or would there actually be
allocated amounts
12 that include dollars that were never spent?
13 A. Do you want to repeat that?
14 Q. Maybe I can simplify it.
15 Did the allocated amounts reflect
amounts
16 that at some point actually were spent?
17 A. Yes.
18 Q. So they accurately identify the
amount
19 that was spent --
20 A. But not necessarily during the
reporting
21 time frame.
22 Q. Okay. And if I were to add up
each of
23 these contract amounts from each of these
progress
24 reports, assuming I had all the progress
reports, would
25 that provide the total amount that the Tobacco
Control
26 Program in San Diego County received of Prop.
99 funds
27 during that time period?
28 A. It should.

52
1 Q. Are there any groups other than
the
2 Tobacco Control Program within the County,
within the --
3 let me get the name exactly correct -- within
the County
4 of San Diego Health and Human Services Agency
that
5 received Prop. 99 funds?
6 A. From the beginning of time,
meaning from
7 the original contract amount, the only other
group would
8 be maternal and child health, and that was for
9 perinatal.
10 Q. Right. So we discussed that
earlier?
11 A. Yes.

12 Q. So their amounts would be in
addition to
13 the amounts that are shown on these contract
numbers?

14 A. They did report separately. I
don't
15 remember if it was broken out of the overall
contract
16 amount so that the overall report reflected
both, you
17 know, portions. But at some point, there is
reference
18 back to that.

19 Q. So if I understood that
correctly, you're

20 not certain whether those funds --
21 A. I don't know if it was on the
face sheet.

22 I mean, those funds would be a part of the
allocation.

23 I just don't know. On the cover sheet, I don't
recall
24 whether or not that amount that went to
perinatal was
25 then included in this amount or it added up to
that
26 amount.

27 Q. Let's turn to Exhibit 481. Is
this a
28 complete and accurate copy of the progress
report for

53
1 January 1, 1991, through June 30, 1991?
2 A. To the best of my knowledge, yes.
3 Q. And it therefore reflects what

the Tobacco
4 Control Program was doing during that time
period?

5 A. Yes.
6 Q. Let's turn to Exhibit 482. Is
this the

7 entire progress report for the time period July
1, 1991,
8 through December 31, 1991?
9 A. I believe it is.

10 Q. This reflects, this report
reflects, what
11 the Tobacco Control Program was doing during
that time
12 period?

13 A. Yes.
14 Q. Turn to Exhibit 483. Is this a
complete

15 copy of the progress report for San Diego
County for
16 January 1, 1991, through June 30, 1992?
17 A. Yes.

18 Q. And it accurately reflects what
the
19 program was doing during that time period?
20 A. Yes.
21 Q. Let's turn to Exhibit 484. Can

we go off

22 the record for a moment.
23 (A discussion was held off the

record.)

24 BY MR. GROSS:

484 up

25 Q. For the record, I broke Exhibit

two

26 into 484 and 484A, because, upon looking at the
27 document, it appeared that there are actually

28 progress reports hooked together into one.

54

1 Let's turn, first, to Exhibit

484. Is

2 this a complete and accurate copy of the

progress report

3 created by your department for July 1, 1992,

through

4 June 30, 1994?

5 A. Yes.

reflect

6 Q. So does that report accurately

period?

7 what the County was doing during that time

a true

8 A. Yes.

July 1,

9 Q. Turning to Exhibit 484A, is that

10 and complete copy of the progress report for

11 1993, through December 31, 1993?

12 A. Yes.

reflect what

13 Q. Does that report accurately

14 the Tobacco Control Program was doing during

that time

15 period?

16 A. Yes.

17 Q. Can we go off the record for a

minute.

18 (A discussion was held off the

record.)

19 BY MR. GROSS:

20 Q. You pointed out to me, as we were

going

21 through 484A, that actually there is another

progress

22 report attached to the back of 484A. Is that

correct?

23 A. Yes.

for

24 Q. And that is the progress report

that

25 July 1, 1992, through December 31, 1992? Is

progress

26 correct?

27 A. Yes.

28 Q. Is that an accurate copy of the

29 report for that time period?

55

1 A. Yes.

2 Q. Do you agree that there are

certain

the

4 exhibits that appear to have been attached to
5 report, but that are not attached to this copy?

6 A. It appears that way.

7 Q. Would this report accurately

reflect what

was

31,

8 the Tobacco Control Program in San Diego County
9 doing during the July 1, 1992, through December
10 1992, time period?

11 A. Yes.

12 Q. Turning to Exhibit 485, is this

the

13 progress report for the July 1, 1994, through
14 December 31, 1994, time period?

15 A. Yes.

to me

16 Q. As I look at this copy, it looks
17 like -- Turning to the second page, which
identifies the
18 forms and attachments that are supposed to be
included,
19 it looks like to me like this copy includes all
of the
20 things listed in Checklist A, but not all of
the
21 attachments listed on -- under B. Is that
correct?

22 A. Yes.

23 Q. But for the materials that are

included in

24 Checklist A, is this a true and correct copy?
25 A. Yes.

26 Q. Let's turn to Exhibit 486. Is

this a true
27 and correct copy of the progress report for
January 1,
28 1995, through July -- June 30, 1995?

56

1 A. Yes.

2 Q. And, again, this one also

includes all the

3 items identified, the checklist, on the second
page, but
4 it doesn't include the attachments. Is that
correct?

5 A. Yes.

6 Q. Generally speaking, just to

clarify for

7 the record, the attachments are copies of

actual

8 materials that were -- that are referenced in
the
9 discussion section. Is that right?

10 A. Yes.

11 Q. So, for example, those would be

copies of

12 booklets or brochures or other written
materials, for
13 example, that were actually used?

14 A. Correct.
15 Q. Some of these progress reports
include
16 those attachments and others don't. Do you
know, for
17 the ones that don't, whether there are
available in the
18 County files somewhere copies that do have the
19 attachments?
20 A. If they weren't produced, they
are not
21 available.
22 Q. Because they don't exist, at
least at the
23 County level?
24 A. Correct.
25 Q. They might have them at the
State?
26 A. If they retain them.
27 Q. Exhibit 487, is this an accurate
copy of
28 the progress report for July 1, 1995, through

57
1 December 31, 1995?
2 A. Yes.
3 Q. It reflects the activities that
your
4 office was engaged in during that time period?
5 A. Yes.
6 Q. Unlike some of the other ones, it
does not
7 include some exhibits that were part of actual
material
8 that your office created?
9 A. Correct.
10 Q. But other than that, it's
complete?
11 A. Yes.
12 Q. Let's turn to Exhibit 488. Is
this an
13 accurate and complete copy of the progress
report for
14 July 1, 1997, through December 31, 1997, as
produced by
15 your office?
16 A. Yes.
17 Q. Can you tell if this one includes
all of
18 the attachments?
19 Go off the record for a moment.
20 (A discussion was held off the
record.)
21 BY MR. GROSS:
22 Q. During the break, based on your
review of
23 the document that was Document No. -- or
24 Exhibit No. 488, we have split that up into
three
25 exhibits: Exhibit 488, Exhibit 488A, and
Exhibit 488B.
26 That's because those are actually three
separate

27 progress reports. Is that correct?
28 A. Yes.

58

1 Q. 488 is a complete copy, an
accurate copy,
2 of the progress report for July 1, '97, through
3 December 31, '97?

4 A. Yes.

5 Q. Does it include all the exhibits
that are

6 actual materials created by the program or not?

7 A. No.

8 Q. So it's complete other than that?

9 A. Yes.

10 Q. And that accurately reflects what
the
11 Tobacco Control Program was doing from July 1,
'97,

12 through December 31, '97?

13 A. Yes.

14 Q. 488A is the comprehensive report
for the
15 Tobacco Control Program in your county for

January 1,
16 1997, through June 30, 1997?

17 A. Yes.

18 Q. And is this a complete and
accurate copy

19 of the progress report?

20 A. Yes.

21 Q. Does it include the attachments
that are

22 the specific materials developed by your
program or not?

23 A. No.

24 Q. But other than that, it's
complete?

25 A. Yes.

26 Q. Exhibit 488B, is that a complete
and
27 accurate copy of the progress report from your
County
28 for July 1, 1996, through December 31, 1996?

59

1 A. Yes.
2 Q. Is it correct that this one

appears to
3 include some of the attachments that are the
actual
4 materials created by your program, but not all
of them?

5 A. Yes.

6 Q. Other than the materials that are
-- that
7 may not be included, is it a complete report in
the
8 narrative section?

9 A. Yes.

10 Q. Does it accurately reflect what
the
11 Tobacco Control Program was doing from July 1,

'96,

12 through December 31, '96?
13 A. Yes.
14 Q. We're getting there.
15 Let's turn to Exhibit 489. Is

this an
report, the
through
16 accurate and complete copy of the progress
17 final comprehensive report, for July 1, 1996,
18 June 30, 1998?

the San
that
21 Diego Tobacco Control Program was doing during
22 time?
23 A. Yes.
24 Q. Does it accurately reflect what

this a
report
through
25 complete and accurate copy of the progress
26 produced by your program for the July 1, 1998,
27 December 31, 1998, time period?
28 A. Yes.

60
that
report?
1 Q. Does this include any attachments
2 were included with the narrative part of the
3 A. Limited.
4 Q. So it has that Attachment 1 at

the very
5 end?
6 A. Right.
7 Q. Were there more attachments than
that than
8 the one that was actually submitted to the
State?
9 A. Well, there's a documentation

list, and
10 those don't appear.
11 Q. Other than that, is this report
complete?
12 A. Yes.
13 Q. This accurately reflects what the

County
Program
14 was doing with respect to the Tobacco Control
15 during the time period July 1 '98, and December
31 '98?

16 A. Yes.
17 Q. Let's turn to Exhibit 491. Is
this a
report for
30, 1999?
18 complete and accurate copy of the progress
19 your County from January 1, 1999, through June
20 A. Yes.
21 Q. Does it accurately reflect what

your

respect
22 program was doing during that time period with
23 to tobacco control?
24 A. Yes.
25 Q. Are the documentation attachments
attached
26 to this one?
27 A. Limited, but there are some.
28 Q. Some, but not all of them?

61
1 A. Right.
2 Q. But the report is complete other
than
3 that?
4 A. Yes.
5 Q. Turn to the last exhibit, Exhibit

492. Is
the time
4 6 this a progress report from your program for
7 period July 1, 1999, through December 31, 1999?
8 A. Yes.
9 Q. Does this document include all of
the
10 attachments, the documentation, as it's
referred to?

11 A. Not all, but some.
12 Q. Other than that, is it complete?
13 A. Yes.
14 Q. Does this accurately reflect what
the
15 County Tobacco Control Program was doing during
July 1,
16 1999, through the December 31, 1999, time
frame?
17 A. Yes.
18 Q. Maybe we should take a quick
break.

19 (A lunch recess was taken.)
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

62
1 San Diego, CA Wednesday, May 3, 2000, 12:55
p.m.
2
3 EXAMINATION
4 BY MR. GROSS:
5 Q. We're back on the record here.

Turning to
6 a different topic than the topic we were
talking about
7 last, have you had any conversations with
anybody other
8 than your own attorneys about this deposition?
9 A. I'm not -- well, conversations,

no.

10 Announcements, yes.

people that

11 Q. In other words, just telling

office?

12 A. you have this deposition?

13 A. Exactly. Exactly.

14 Q. Those would be people in your

15 A. Right.

16 Q. Have you had any conversations

with

the

17 anybody other than me or your attorneys about

18 lawsuit that's the subject of this deposition?

19 A. No.

20 Q. I'm going to go through the names

of a few

21 people, a couple of organizations, just to see

if you

22 have any familiarity with them. I rather

expect that

23 you don't; so it's not a quiz, but have you

ever heard

24 of Mark Todzo?

25 A. No.

26 Q. Roger Carrick?

27 A. No.

28 Q. Brian Brookey?

63

1 A. No.

2 Q. Paul Dowhall?

3 A. No.

4 Q. Deborah Sevis?

5 A. No.

6 Q. The American Environmental Safety

7 Institute?

8 A. No.

9 Q. The Lexington Law Group?

10 A. No.

11 Q. Preston Gates and Ellis?

12 A. No.

13 Q. Earlier in the deposition, you

14 mentioned -- made a brief reference to

subcontractors.

15 Does the County Tobacco Control Program have

16 subcontractors that it uses for tobacco-related

issues?

17 A. Yes.

18 Q. Have those subcontractors been

the same

19 entities from the beginning of the program

until now?

20 A. No.

21 Q. Can you tell me the ones that you

22 presently use?

23 A. There are youth that we contract

with.

24 They're members of the Anti-Tobacco Action

Campaign.

25 Q. Okay. Any other subcontractors?

26 A. San Diego State University

Foundation.

27 San Diego State University Foundation.
28 Q. Okay. Any others?

64

1 A. An individual evaluator, Richard

Serpe.

2 Q. Richard -- how --

3 A. S-e-r-p-e.

4 Q. Are there any others that you
presently

5 contract with?

6 A. Not that I can think of, no.

7 Q. Can you name for me others that
you have

8 contracted with before now?

9 A. A media public relations firm,

The Gable

10 Group. Last year, with the San Diego Padres
11 organization, 93.3 radio station.

12 Q. Is that 93.3 --

13 A. Yes.

14 Q. -- radio station?

15 A. And the Union-Tribune.

16 Q. How about the American Lung --

Children's

17 Festival; was that a subcontractor at one
point?

18 A. It doesn't sound familiar.

Community

19 Q. How about the Council of

1999

20 Clinics; there's a reference to them in the

21 progress report.

22 A. There were mini grants that were

given to

23 groups.

24 Q. I see. So mini grants is

something

25 different from subcontractors?

26 A. Yes. Subcontractors would be

literally

27 subcontracting with them to carry out specific
28 activities.

65

1 Q. Is there a difference between a

mini grant

2 and subcontractor in that a mini grant is a

payment for

3 a one-time thing?

4 A. One time and to support whatever

activity

5 that particular group is doing as opposed to

supporting

6 what the program is doing.

really more

7 Q. I see. So subcontractors are

8 of an extension of the program?

9 A. Correct.

subcontractors

10 Q. I see. Are there other

time other

11 that the program has subcontracted with over

can
ones?
largest.
in the
there --
from 1990
you have
been more
have

12 than the ones you have listed so far?
13 A. Those are the largest ones that I
14 recall.
15 Q. So there might be some smaller
16 A. Yes.
17 Q. But you can't recall those?
18 A. Yes. Those, again, are the
19 Q. They would probably be somewhere
20 progress reports?
21 A. Oh, yes.
22 Q. You mentioned mini grants. Are
23 has the program used mini grants throughout --
24 to present or have there only been times when
25 done that?
26 A. It's been more recent. So it's
27 recent in the last three years, I would say.
28 Q. Can you name some entities that

back and
their
title.
should do it
groups
secondary
about
primary
of the
the list,
local
or inside
talking

66
1 received mini grants?
2 A. Well, I would really have to go
3 look at them, because I can -- I know what
4 objectives were, not necessarily exactly their
5 Q. Right. Okay. Well, maybe I
6 this way. Were there any mini grants given to
7 that had, either as a primary or even a
8 objective, education on or warning activities
9 environmental tobacco smoke?
10 A. Secondary, yes.
11 Q. As a secondary goal rather than
12 goal?
13 A. Right.
14 Q. Who were some of the recipients
15 mini grants that would fall in that category?
16 A. Again, I would have to look at
17 because what I am thinking of is one of the
18 campaigns to have ads on buses.
19 Q. Were they on the sides of buses
20 of buses?
21 A. Inside.
22 Q. I think I might know what you are

23 about. Let me see here. Was that a program
that had
24 ads involving African-American students, I
believe, or
25 children stating their thoughts about ETS?
26 A. Yes.
27 Q. Did that take place in 1999?
28 A. Yes.

67
1 Q. And I believe that is the Council
of
2 Community Clinics Grantee. Does that sound
right to
3 you?
4 A. Yes. Because -- yes.
5 Q. So if you could describe that for
me.
6 Well, do you know how much the grant was for?
7 A. Ostensibly, I think it was
\$5,000.
8 Q. All of that was for posting
placards with
9 warning messages about ETS inside buses?
10 A. Yes.
11 Q. Do you know how long they were in
the
12 buses?
13 A. At least six months.
14 Q. Are they presently in the buses?
15 A. I don't know for certain.
16 Q. I'm sorry?
17 A. I don't know for certain.
18 Q. Were they in all County buses?
19 A. No.
20 Q. Do you know how many buses they
were in
21 then?
22 A. No.
23 Q. Can you think of any other mini
grants
24 from any time period that had ETS-related
warning or
25 educational information as part of what was
being done?
26 A. Strictly on ETS, I would have to
look it
27 up to be -- I mean, I would have to look it up.
28 Q. So there may be some more mini
grants, but

68
1 you don't recall them specifically?
2 A. Right.
3 Q. Okay. Now, the subcontractors
you
4 mentioned, the funds that they received, are
those
5 Prop. 99 funds that your department receives
and then
6 you pay over to them?
7 A. Yes.
8 Q. One of those was the Anti-Tobacco

Action
me,
10 generally.
11 A. Currently, it's hiring teens as
individual
12 contractors to, again, perform teen theater to
younger
13 youth.
14 Q. Mm-hmm. And the teen theater
would
15 sometimes involve ETS messages?
16 A. Yes.
17 Q. The theater -- would these take
place in
18 schools, or are they done elsewhere?
19 A. It could be community groups. Or
if it
20 isn't school, it's afterschool programs, but,
again, not
21 in classroom.
22 Q. Can we mark this next in order.
23 (Defendants' Exhibit 493 was
marked.)
24 BY MR. GROSS:
25 Q. I have marked as Exhibit 493 a
document
26 that was produced by your office. Do you
recognize this
27 document?
28 A. Yes.

69
1 Q. Is this a transcript of one of
the plays
2 that is performed by The ATAC group?
3 A. Yes.
4 Q. You will see there are control
numbers at
5 the bottom. The first page is SD003800. If
you would
6 turn to SD003821, read at the top of that page.
Is this
7 an example of information about the health
effects of
8 environmental tobacco smoke that's included in
these
9 plays?
10 A. Yes.
11 Q. Do you know whether this play
aired, was
12 performed?
13 A. To the best of my knowledge, yes.
14 Q. Let's mark this next in order. I
have
15 placed in front of you Exhibit 494.
16 (Defendants' Exhibit No. 494 was
marked.)
17 BY MR. GROSS:
18 Q. Is this a flyer that promotes The
ATAC
19 theatrical presentations?
20 A. Yes.

are four 21 Q. And one of the things -- there
are 22 things that it identifies as information that
hazards 23 provided in these plays, and one of them is the
24 of secondhand smoke, correct?
25 A. Yes.
26 Q. Mark this as the next exhibit.
27 (Defendants' Exhibit 495 was
marked.)
28 //

70 1 BY MR. GROSS:
495. Is 2 Q. I have placed before you Exhibit
created as 3 this a copy of another one-act play that was
4 part of The ATAC theatrical program?
pretty faint; 5 A. Yes.
number 6 Q. And the control numbers are
7 so I'm going to ask you to turn instead to the
There are 8 that is the Page 4 of the document itself.
record, 9 numbers on the right-hand corner. For the
numbers. 10 that's Document No. SD000133 by the control
page and 11 If you look at the bottom of that
a section 12 read over to the top of the next page, is that
health 13 of the play talking about, among other things,
14 effects associated with being around smoke?
15 A. Yes.
16 Q. So that's also an example of an
17 environmental-tobacco-smoke-type warning?
18 A. Yes.
19 Q. Can you estimate the time period
during 20 which these plays have run? Not necessarily
just these 21 two plays, but plays like these by The ATAC
team.
this been 22 A. Do you mean years or --
23 Q. Yeah. Over what time period has
24 something that's occurred?
25 A. Approximately since '96.
26 Q. '96 until present?
27 A. (Inaudible response.)
28 Q. And do you have any sense of the
total

71 1 number of times these plays have taken place?
2 A. No.
3 Q. Do you think it's more than 50,

or would

twice a
it's
of these
county
and then
children
small
five, or
How do you
going to
would
something like

4 you have any way to estimate?
5 A. Generally, at a minimum, it's
6 month, or it could be, you know -- generally,
7 twice, maybe three times, a month.
8 Q. Two or three times a month, one
9 plays takes place somewhere in the county?
10 A. Right.
11 Q. Is there a specific area of the
12 where these are done?
13 A. It's divided into North County
14 South.
15 Q. Do you have a sense of how many
16 tend to attend these?
17 A. It varies. It could be a very
18 group, or it could be -- small, meaning around
19 up to 25.
20 Q. How do they -- how are the
21 attend these solicited or gathered together?
22 come across them?
23 A. Primarily through schools.
24 Q. So a school would say, "We're
25 have this play. It's going to occur," and
26 encourage the kids to attend?
27 A. Right.
28 Q. It would be after school or

72
1 that?
2 A. Right.
3 Q. How are the -- when you said that
this is
these
through
that type
format
attend,
about

4 a subcontract, you mean the costs of putting on
5 productions is funded by the subcontract?
6 A. Yes.
7 Q. How are the children who are the
8 performers selected?
9 A. We -- there's a recruitment
10 schools, and then interviews and training and
11 of thing, so they're actually certified to do
12 presentations.
13 Q. Is one of the advantages of this
14 that it teaches young children, the people who
15 but it also reinforces lessons and information
16 health effects of smoking or environmental

tobacco smoke

17 for the performers as well?

18 A. Yes.

19 Q. Okay. Would more detail about

the number

20 of these plays and their attendance be
summarized in the

21 progress reports?

22 A. At least the number, I think, of

plays.

23 Q. What did ATAC do before these

plays?

24 A. The genesis of ATAC was a group

of youth

25 stands.

26 Q. Just to back up, ATAC is A-T-A-C?

Is that

27 the acronym?

28 A. Yes.

73

1 Q. When did the ATAC program start?

2 A. Around '93ish.

3 Q. So there were children in media

ads around

4 1993?

5 A. Yes.

6 Q. Were those media ads ones that

were

7 County?

8 A. Yes.

9 Q. What kind of media ads were

those? I

10 guess what I am asking is what types of media?

11 A. Meaning venue or creation?

12 Q. Well, I meant radio --

13 A. TV.

14 Q. -- television ads.

15 A. Television, and, again, the bus

kiosks are

16 the most predominant.

17 Q. Okay. And did The ATAC come out

of that,

18 or was that part of The ATAC program?

19 A. That was the -- no. That's how

it was

20 created.

21 Q. Okay. And --

22 A. And that was with the public

relations

23 firm, The Gable Group.

24 Q. During that time period, you

mentioned

25 television ads. Were any of the television ads

ads that

26 included messages about environmental tobacco

smoke or

27 the effects of being around smoke?

28 A. Yes.

74

1 Q. Could you -- were all of the ads
of that
2 sort?
3 A. They were -- again, they were
teens
4 commenting on the negative aspects of using
tobacco
5 products.
6 Q. Which would include environmental
tobacco
7 smoke?
8 A. Yes.
9 Q. And how many ads were there
roughly, if
10 you can recall?
11 A. Roughly, four.
12 Q. And they aired in San Diego
County?
13 A. Yes.
14 Q. Did they air outside of San Diego
County?
15 A. There were a few that were on
national TV,
16 yes.
17 Q. And so national TV, does that
mean that
18 they were airing all over the state of
California when
19 they aired?
20 A. Yes -- well, let me go back. I
don't know
21 if it was all over the state of California, but
I know
22 that there was some that were viewed outside of
San
23 Diego.
24 Q. This is separate from the
statewide media
25 campaign?
26 A. Yes.
27 Q. Were these ads all in English, if
you
28 recall?

75
1 A. I'm trying to recall if we
converted them
2 to Spanish or not. It may have been for the
Spanish-
3 speaking station.
4 Q. But if it was, it was the same
ad, but --
5 A. Just Spanish.
6 Q. Okay. And during -- how long a
time
7 period did these ads air? You mentioned 1993.
Was it
8 that year?
9 A. It was either -- it started
around
10 Christmas. So it was -- it could have been
through --
11 six months of '94 or something like that.

as the
they
towards
to reach
including,
smoke?
kiosk
sort of
campaign?
76

12 Q. So about a six-month time period?
13 A. About six months, yes. As long
14 contract.
15 Q. Do you know what kind of programs
16 aired on? Was it programs that were targeted
17 children?
18 A. Yes.
19 Q. So the idea was to use children
20 children about the health effects of tobacco,
21 but not limited to, environmental tobacco
22 A. Yes.
23 Q. You mentioned bus shelters or bus
24 placards, I guess?
25 A. Right.
26 Q. Are those -- were those the same
27 thing? Did they tie into the television
28 A. Yes.

children --
for
going to
advertised.
to have --
program?
Were there
did The
media
theater
part is
total

1 Q. So those would be placards of
2 A. Of local youth.
3 Q. How were the local youth selected
4 this?
5 A. The Gable Group did a -- I was
6 say -- cattle call, but they literally
7 Q. So they advertised about trying
8 get children to be involved in this media
9 A. Yes.
10 Q. Did they get a wide response?
11 a lot of children that wanted to do it?
12 A. They had a good response.
13 Q. What did The ATAC program do, or
14 ATAC program do anything other than this one
15 campaign that we just discussed and later
16 programming?
17 A. That was it.
18 Q. But it's still -- the theater
19 still ongoing?
20 A. Yes.
21 Q. Do you have any sense of what the
22 expenditures are, have been, on that program?
23 A. No, I don't.

subject of 24 Q. Since we're already on the
take you 25 youth-related programming, I thought I would
found in 26 through some other youth-related materials I
describe 27 the stuff that you produced to us. Can you
28 what the Tobacco Trap Program is, Tobacco Trap

77
1 materials?
2 A. The Tobacco Trap was a -- or is
-- was,
3 is -- a board game.

program 4 Q. Is that a board game that your

Describe for 5 created?

6 A. Yes.

7 Q. And what is the board game?

there? 8 me the board game, if you could. What's on

9 A. I'm trying to think of what to

compare it 10 to. I guess Shoots and Ladders would be close,

inasmuch 11 as you roll dice, and, you know, you get to a

certain 12 point, and you have to answer questions, or

take a card 13 and answer that question. You get to move

forward. If 14 you end up in a tobacco trap, then you have to

answer 15 questions to get out of that.

16 Q. Did the questions and the game

materials 17 have -- contain or incorporate within them

information 18 about environmental tobacco smoke health risks?

19 A. Yes.

20 Q. So it's a significant portion of

what the 21 game -- you know, the game's educational

message? 22 A. Not particularly. It was pretty

even on 23 tobacco products period and with mention of

24 environmental tobacco smoke as well.

25 Q. So you mean it's sort of balanced

between 26 the various types of messages about tobacco

smoke, of 27 which environmental tobacco smoke is one?

28 A. Yes.

78
1 Q. How has the -- how has your

program used 2 that game? What have you done with it?

3 A. That game was distributed to

schools

4 throughout the county.
5 Q. For use -- how were the schools
to use
6 them?
7 A. If they wanted to use it as one
of their
8 modules, they could use the game.
9 Q. So sort of an educational tool --
10 A. Yes.
11 Q. -- to be used for schools?
12 A. Yes.
13 Q. Do you know if schools used them?
14 A. To what degree, I do not know.
15 Q. Do you know if they were used at
all?
16 A. I -- I don't know.
17 Q. They were distributed to all the
schools
18 in San Diego County?
19 A. Yes.
20 Q. When were they distributed?
21 A. Age-appropriate schools. They
weren't in
22 high school. They were the lower grades.
23 Q. So grammar school, middle school?
Or just
24 grammar schools?
25 A. I believe it was starting with
grammar
26 schools.
27 Q. And do you know when they were
28 distributed?

79
1 A. No, I would have to try to figure
it out.
2 Q. Can you --
3 A. It's a few years --
4 Q. Was it mid '90s?
5 A. At least the mid '90s. It was a
few years
6 after they were developed.
7 Q. Were they distributed more than
one time?
8 A. It was supposed to be one
mailout.
9 Whether it happened in two segments, you know,
that's
10 possible.
11 Q. Has that game been distributed to
any
12 other entities other than the schools?
13 A. At some conferences, they have
been
14 available for sale.
15 Q. Conferences, does that mean
things like
16 health fairs and where the general public is
at?
17 A. Yes.
18 Q. Mark this exhibit next in order.
19 (Defendants' Exhibit 496 was
marked.)

20 BY MR. GROSS:
21 Q. I put before you a document
that's marked
22 as No. 496. Do you recognize that document?
23 A. Yes.
24 Q. Is this part of the Tobacco Trap
game, or
25 is it something else?
26 A. This is an accompanying lesson
plan if it
27 was used as a classroom activity.
28 Q. So this is a -- sort of a
curriculum

80
in this
1 lesson plan, and the part that I have included
2 document is the part that's on secondhand
smoke. Is
3 that correct?
4 A. Correct.
5 Q. And it provides information about
health
smoke, and
6 effects associated with environmental tobacco
quiz,
7 then at the end of it, it has a worksheet, a
8 basically. Is that right?
9 A. Yes.
10 Q. And was this distributed along
with the
11 games?
12 A. Yes.
13 Q. For use in the schools? Correct?
14 A. Yes.
15 Q. Mark this exhibit next in order.
16 (Defendants' Exhibit 497 was
marked.)

17 BY MR. GROSS:
18 Q. I have placed before you Exhibit
497,
19 which is entitled Photo-Talk about Tobacco. Do
you
20 recognize this document?
21 A. Only as much as it's material
that we have
22 used.
23 Q. And what is this -- I notice this
is a --
24 would you agree this is some sort of an
educational or
25 warning material about -- that warns about,
among other
26 things, the health effects of environmental
tobacco
27 smoke?
28 A. Yes, but it's not something that
we

81
1 created.
2 Q. I see. This reference of the
smoking

3 trap, is that unrelated to the Tobacco Trap
program?
4 A. Oh, directly, yes. I mean, this
is not a
5 part of this.
6 Q. Right. That's just a
coincidence. I see.
7 Do you know how this -- what would you call
this piece
8 of warning material? I'm struggling for the
right -- is
9 this a pamphlet?
10 A. I don't know. Is this the one
that Santa
11 Cruz created? It has that on it.
12 Q. I can't tell you. It looks like
it's from
13 the Tobacco Clearinghouse.
14 Do you know how this was used in
this
15 county?
16 A. Again, it would be something that
would be
17 available for distribution if we have this.
18 Q. Do you know whether you actually
19 distributed this --
20 A. I don't know how often we did, if
we did.
21 Q. If you had it, does it mean that
you
22 probably did distribute it?
23 A. Yes, but I don't know how
frequently.
24 Q. Would this be something that you
would
25 distribute to teenagers, just looking at the
ages of the
26 people on the --
27 A. Yes.
28 Q. Mark this as exhibit next in
order.

82
1 (Defendants' Exhibit No. 498 was
marked.)
2 BY MR. GROSS:
3 Q. I have placed before you Exhibit
498,
4 which is a newspaper article. Do you recognize
this
5 article?
6 A. That's the casting call.
7 Q. Okay. So this is the 19 -- this
is the
8 19 -- looks like it's 1993. Does that sound
right to
9 you?
10 A. Yes.
11 Q. Teen Sought for Campaign against
Smoking.
12 I see. So this is a description of The ATAC
campaign.
13 A. Yes.

Pack, Join
the
San
XETV,
-- again,
6 do?
ads.
they air
again, we
with The

14 Q. Which actually says, "Drop the
15 the A.T.A.C."?
16 A. Right.
17 Q. There's a reference down towards
18 bottom. It says, "The campaign, spearheaded by
19 Diego County, is in conjunction with Z90-FM and
20 Channel 6"?
21 A. The Gable Group is the one that
22 this is the contract with The Gable Group.
23 Q. What did Z90-FM and XETV, Channel
24 A. They were the ones that aired the
25 Q. Did you pay for the ads, or did
26 them as public service announcements?
27 A. No. They were paid through --
28 didn't pay them directly. It was a contract

83
1 promotional commercials?
2 Q. Sure. Did the radio station and
3 television station do any kinds of other
4 material that tied into the actual aired
5 A. There may have been -- there may
have been
6 bumper stickers or something or stickers of
some kind.
7 Q. Okay. Let's mark this next
exhibit.
8 (Defendants' Exhibit No. 499 was
marked.)
9 BY MR. GROSS:
10 Q. I hand you Exhibit 499. Is this
a copy of
11 commercials?
12 A. Yes, it appears to be.
13 Q. Where it lists, for example, on
the first
14 page, XETV Channel 6, 2:30 to 5:30 p.m. on
15 September 20th, do you know what that means
about how
16 often the spot ran during that time period?
17 A. I don't know how often or if that
was the
18 time slot that it would have to have run at
least one
19 time. I don't know the frequency.
20 Q. At the bottom, it indicates that
the spots
21 will also rotate on MTV. Is that your
recollection?
22 A. Yes.

23 Q. KNSD, is that a radio station?
24 A. I think so.
25 Q. And KUSI 51, is that a television
station?
26 A. That, I know, is a television
station.
27 Q. Turn to the third page. Do you
see, on
28 stations, the left-hand column, it has TV radio, bus

84
those all 1 movie theaters, and radio promotions. Are
media 2 forms of media that were used for this ATAC
3 campaign back in 1993?
4 A. Yes.
5 Q. What's the difference between
radio 6 promotions and radio, if you know?
7 A. Radio was actually airing the ad.

The TV 8 spots were the ads, and then they took the
voice from 9 the ad and aired it in one radio as opposed to
radio 10 promotions. As you can see, it says casting
call. So 11 it's the promotions that were done surrounding
the ad 12 campaign. So they promoted the casting call
and radio 13 and that type of thing.

I was 14 Q. I guess that's an example of what
something 15 talking about before with tie-ins, I take it,
that 16 that actually isn't the ad itself, but is media
17 takes place surrounding the ad?

this 18 A. Right.
movie 19 Q. How about movie theaters; does
20 refresh your recollection that also there were
21 theater ads?

number 22 A. Yes, on the movie trailers.
that your 23 Q. Okay. We have now gone through a
others 24 of different youth-focused tobacco programs
25 office has done over time or subcontracted with
26 to do over time. Are there any other
youth-related 27 programs that your program has done? For
example, I saw 28 references to something called 93 smoke-free
days?

85
1 A. 93 smoke-free days of summer was

a
me
tobacco-free
their logo.
that's the
minute.
record.)
back.)
days'
promoting a
Promoting not
avoiding
around --
the
putting out
avoiding
the disc

2 contract with the 93.3 radio station last year.
3 Q. Okay. And can you describe for
4 generally what that was, that program?
5 A. Well, first, it was airing
6 lifestyle messages on the radio station. They
7 incorporated 93 smoke-free days of summer on
8 They had a smoke-free concert. That was --
9 main focus.
10 Q. Could we go off the record for a
11 (A discussion was held off the
12 (The last question was read
13 BY MR. GROSS:
14 Q. You had mentioned a tobacco-free
15 lifestyle. How was that promoted in the 93
16 promotion, 93 smoke-free days' promotion?
17 A. I guess I would say that it's
18 lifestyle rather than to say don't smoke.
19 using tobacco products.
20 Q. Was there any component of the 93
21 smoke-free days program that related to
22 environmental tobacco smoke or avoiding being
23 A. Yeah.
24 Q. So you mentioned that this was --
25 contractor was a radio station. Were they
26 ads that promoted avoidance of smoking or
27 environmental tobacco smoke?
28 A. There were so many air times; so
86
of
would
summer.
smoke-free
-- you
a
was that?
1 jockey would, you know, depending on the number
2 times, say something to the effect, and/or they
3 justice their support of, 93 smoke-free days of
4 Q. I see. What exactly was the 93
5 days of summer? Was there anything other than
6 mentioned a concert.
7 A. Mm-hmm. They kicked it off with
8 concert.
9 Q. Where was -- how big a concert
10 A. You mean attendance?

11 Q. Yeah. Do you know the size?
12 A. Thousands.
13 Q. So it took place in a facility
that houses
14 thousands?
15 A. San Diego State University,
actually.
16 Q. And the radio station promoted
the
17 concert?
18 A. Yes.
19 Q. And then at the concert, how was
the
20 smoke-free theme promoted?
21 A. There were banners and reminded
people
22 that they couldn't smoke during this event.
And on
23 stage, they would, you know, mention it.
24 Q. The performers would --
25 A. Well, the disc jockeys.
26 Q. I see.
27 A. Well, disc jockeys.
28 Q. What else took place, what other
events

87
93 1 took place, other than the convert during the
2 smoke-free days' campaign?
3 A. They had a -- I'm trying to
think. They
4 had the contest for youth at schools. They had
5 giveaways. They had promotional items.
6 Q. And those would be things like
T-shirts
7 and coffee cups?
8 A. Key chains.
9 Q. Did those have --
10 A. 93 smoke-free days. They're
local. It's
11 93.3. It's their logo, and then they wrapped
around the
12 93 smoke-free days.
13 Q. What did -- The contest for youth
at the
14 schools, what was that contest about?
15 A. Well, they were looking for youth
to --
16 well, how would they promote smoke-free
lifestyle or
17 tobacco-free lifestyle.
18 Q. So they were looking for youth
that would
19 be representatives who could help to promote
this? Is
20 that what you mean? Or like sort of looking
for people
21 who they could hold up as good examples of --
22 A. In some ways.
23 Q. Have there ever been any youth
conferences
24 that have been sponsored or jointly sponsored

by the

25 Tobacco Control Program in San Diego that
relate to
26 tobacco smoke issues?
27 A. Yes. The Youth Summit.
28 Q. What's the Youth Summit?

88

1 A. Well, there's a prevention
summit. Magnet
2 event that draws from the different schools in
the area.
3 Q. Is that a San Diego program, or
is it a
4 broader program?
5 A. It's San Diego.
6 Q. When does that take place? Is
there an
7 annual event?
8 A. It has been, yes.
9 Q. For -- since '91, roughly, or

more

10 recently?
11 A. No. I would say since '95ish.
12 Q. And what takes place? Is the
tobacco
13 summit a one-day event?
14 A. One day, yes.
15 Q. What takes place during that one
day,
16 generally? Are there speakers?
17 A. Yes. There are speakers and
small groups
18 addressing different issues, making statements
on how
19 they feel things should proceed.
20 Q. And some of those speakers or
statements
21 are messages about environmental tobacco smoke?
22 A. Yes.
23 Q. Would you like to take a break?
24 A. No.
25 Q. Do you have a sense of how many

youth --

26 how many children attend this event annually?
Is it
27 100? More than 100?
28 A. It's more than 100.

89

1 Q. Is it more than 1,000?
2 A. No. I'd say roughly around 500,
but I'm
3 not exactly sure.
4 Q. So about 500 students. Is there
a
5 specific age group that this event focuses on?
6 A. Usually, it's middle to teens.
7 Q. So like 10 to 14, thereabouts?
8 A. Or 12 to 16.
9 Q. Okay. And the idea of this
summit is sort
10 of getting the students away from other

distractions and

11 to really focus on tobacco-related issues for a
day?

12 A. Yes.

13 Q. Are there any other youth

conferences that

14 you can think of that the Tobacco Control

Program has

15 been involved in that relate to tobacco smoke
issues?

16 A. There's participation in the --

there's a

17 Substance Abuse Conference, and, again, we have

-- or

18 have participated in --

19 Q. Is that a county-wide conference?

20 A. Yes.

21 Q. And that's -- but it's about

substance

22 abuse generally, and a component of that

through your

23 participation has been tobacco-related?

24 A. Tobacco.

25 Q. Is that an annual event?

26 A. Yes.

27 Q. What is the age group that

attends that

28 conference?

90

1 A. This isn't -- I mean, this isn't

only

2 youth. There's some youth that attend, but

it's also

3 adults that participate through organizations

or

4 agencies.

5 Q. Are the people that participate

people who

6 have had past substance abuse problems, or are

they just

7 anybody?

8 A. Usually, providers of services.

9 Q. I see. And at these conferences,

would

10 your program provide information about

environmental

11 tobacco smoke?

12 A. Yes.

13 Q. Has that program gone on every

year, or

14 was that something that's only happened more

recently?

15 A. It's been more recent in terms of

looking

16 at tobacco as a plank of a conference.

17 Q. So the last few years, there has

been a

18 tobacco component. Before that, there wasn't?

19 A. Right.

20 Q. Do you have a sense -- an

estimate of how

21 many people from San Diego typically attend

that

22 conference? Is it similar to the Youth Summit?
23 A. Hundreds.
24 Q. It's in the hundreds?
25 A. Yes.
26 Q. I saw references to something
called a
27 Youth Task Force. Is that a component of the
Tobacco
28 Control Coalition?

91

1 A. Yes.
2 Q. Did they do -- do they have a
role in
3 providing educational and warning information
to San
4 Diego youth about tobacco smoke issues?
5 A. Yes.
6 Q. Are their activities separate and
apart --
7 I guess the best way to put it -- in addition
to the
8 other activities that we have just described?
9 A. Yes.
10 Q. Do you know what the Youth Task
Force has
11 done by way of educating youth on tobacco
issues
12 recently?
13 A. One of their roles is, again, to
identify
14 different organized efforts, if you would, on
how they
15 can present materials or information during
these --
16 like a conference or that type of thing.
17 Q. Did they identify the -- let's
start
18 again.
19 Do they identify the events, or
do they
20 actually organize the events?
21 A. Well, some are identified. They,
in
22 particular, do not necessarily have an event.
23 Q. So they find events, for example,
that
24 are -- whether it be a health fair -- some
event that's
25 a general community event, and they take steps
to put a
26 tobacco-related issue into that event?
27 A. Right.
28 Q. I see. Does the Tobacco Control
Program

92

1 do that as well? An example would be the
substance
2 abuse program that you just talked about.
3 A. Yes.
4 Q. Does it do it in other contexts,

too?

5 A. I'm not sure --
6 Q. Actually, let's not go down that
route

7 anyway. Let's continue to focus on youth for

now.

8 So if I'm understanding

correctly,

9 basically, the Youth Task Force provides a

presence at

10 various community events, and the presence

provides --

11 comes in the form of warning information and

warning

12 programs about tobacco smoke?

13 A. Right.

tobacco

14 Q. And those include environmental

smoke?

15 A. Yes.

around since

16 Q. Has the Youth Task Force been

17 the inception of the Prop. 99 program?

18 A. I don't know what year. I know

we formed

19 20 subgroups from the coalition at certain points

in time.

21 So from the very onset, no, but within a number

of years

22 from that.

23 Q. So in the early '90s, the Youth

Task Force

24 came into existence?

25 A. Yes.

26 that time

27 Q. Has it been active throughout

28 period from the early '90s to now?

flowed

A. It's been active. It's ebbed and

93

1 in terms of participation, but --

2 Q. Are there certain periods where

it's been

3 particularly active that you can identify?

4 A. Not really.

5 than the

6 ones we have spoken about so far do the -- does

the

7 Tobacco Control Program perform or fund? And

that

8 question, I guess, really is from 1990 to now

if you can

9 think of any other ones other than the ones we

have

10 already discussed.

11 A. We have participated in some of

the State

12 activities.

13 Q. Those are activities about

advertising

14 towards youth? Is that right?

have
15 A. Right. And merchant survey. We
coalition.
16 participated in that. That was through the
17 They're the ones that organized that.
18 Q. Did those have any ETS component
to them?
19 A. The merchant survey -- well, they
would,
20 inasmuch as there's advertising. It was to
remove
21 advertisements. So if there was any
advertisements that
22 related to the ETS, then, yes.
23 Q. I mean, can you think of any
24 advertisements that related to ETS?
25 A. Well, you know, actual visuals of
smoking,
26 that type of thing.
27 Q. I see what you are saying.
28 You mentioned, when we were going
through

94
also
1 subcontractors, you mentioned The ATAC, but you
that
2 mentioned youth. What did that refer to? Is
really ATAC?
3 something separate from ATAC, or was that
to.
4 A. I don't know what I was referring
subcontract --
5 More than likely, it was The ATAC team as well.
6 Q. So there isn't some other
may have
7 A. That's youth, no -- oh, oh. It
about that
8 been the individual youth that I was talking
funding
9 are the ones that make up The ATAC group.
10 Q. I see. So they get some sort of
Diego State
11 to do what they are doing?
they
12 A. Right, they get paid.
13 Q. I see. You mentioned the San
program?
14 University Foundation as a subcontractor. Have
probably mid
15 been a subcontractor for the entire time of the
-- like
16 A. Not for the entire time, but
the
17 '90s.
budgeted in
18 Q. What do they do?
pay --
19 A. It's really a fiduciary body; so
20 the media campaign that happened last year with
21 radio station, Padres, et cetera, money is
22 the foundation, and then they would actually
23 Q. They pay others who actually do

warning

24 educational work?
25 A. Right. Those contracts were run
through
26 the foundation, if you would.
27 Q. So that's like if you gave money,
like
28 sometimes happens, to -- I don't know if you do
this,

95

their

1 but other counties do -- like American Lung for
2 programs. Well, let me back up because I guess
American
3 Lung has its own program.

individuals that

4 A. Right. But we also have
5 are hired; so we have contract employees as
well as
6 County employees working on the Tobacco Control

Program.

they have

7 Q. And other contract employees, do
8 anything to do with the San Diego State
University
9 Foundation?

Diego State

10 A. They are hired through the San

11 University Foundation.

employees are

12 Q. I see. So your contract
13 hired through that contract -- subcontract?

14 A. Right.

contract

15 Q. Is there anything else that that
16 subcontract is used for other than hiring your

17 employees?

subcontracts are

18 A. Well, again, some of the

19 paid through that budget.

subcontracts that

20 Q. That's some of the other

21 you actually identified for me?

22 A. Right.

warning or

23 Q. So the San Diego State University

24 Foundation doesn't itself provide any kind of

Padres

25 educational function?

26 A. No.

27 Q. You mentioned the San Diego

28 organization.

96

1 A. Yes.

2 Q. What have they done?

3 A. We contracted with them last year

and

4 Channel 4 TV who are the Padres station -- or

where all

5 the Padres games are viewed -- or aired,

rather, and

and the 6 they did commercials. The Padres organizations
agencies 7 County of San Diego Health and Human Services
different 8 support a tobacco-free lifestyle, and we had
information 9 Padre players that did brief testimonies.
around 10 Q. Did any of those contain any
11 or testimonials about the dangers of being
not using 12 tobacco smoke or environmental tobacco smoke?
smokers not 13 A. It was supporting a tobacco-free
or 14 lifestyle. I think it really focused more on
playing 15 tobacco.
that type 16 Q. Not on, for example, telling
radio 17 to use tobacco around their family or children
93 18 anything like that?
21 A. No. I think it was more towards
station. 20 sports, you know, you wouldn't use tobacco or
of thing. 21
Q. I see. You mentioned the 93.3
station. 23 Did they do anything other than the
smoke-free days campaign?
A. No.
Q. You mentioned the Union-Tribune.
What did 27 they do?
They did 28 A. They had a sport show, actually.

97
in the 1 highlights of different youth sporting events
And during 2 county, and they would highlight one a week.
that this is 3 that highlight, they would put an ad saying
a 4 sponsored by the County of San Diego supporting
5 tobacco-free lifestyle.
Q. I see. So when you said they
would 6 highlight, would there be a story or coverage
in their 7 paper about --
There was 8 A. Well, there was that as well.
show 10 coverage in the paper. There was actually a TV
highlight piece. 11 that they sponsored. That's the sport
you mean, 12 Q. I see. And they put on an ad,
13 like a commercial during the broadcast?
14 A. Mm-hmm. Yes. I'm sorry.

statements 15 Q. And that commercial would make
think 16 in support of a tobacco-free lifestyle?
made; 17 A. Yes, at the event itself. And I
team it 18 there were three -- that there were cheer cards
effects 19 and on the front, it would be cheering whatever
20 was. On the back was messages about the health
of the use of tobacco.
effects on 21 Q. Would it include the health
22 environmental tobacco smoke?
23 A. I believe it did.
24 Q. And those messages, those
placards, would 25 be shown on television during the game? Is
that the 26 idea?
27 A. Yes.
28

98
place? Was 1 Q. And when did these events take
believe, 2 this last year or recently?
3 A. It was last year.
4 Q. You mentioned Richard Serpe, I
have been 5 who is the evaluator for the program?
6 A. Yes.
7 Q. Does he provide reports that are
8 evaluations of the efficacy of the program?
9 A. He has developed surveys that
it ask 10 used by the program.
11 Q. What do those surveys ask? Does
Diego -- 12 about awareness? What do they focus on?
13 A. Awareness predominantly.
14 Q. Of people in the county of San
health effects 15 A. Yes.
16 Q. -- and its awareness of the
smoke? 17 of tobacco smoke and environmental tobacco
18 A. And when the bars were to become
19 smoke-free, people knew that that was the case,
that 20 there was a law that said --
21 Q. Good?
22 A. Yes.
23 Q. Knowledge about and levels of
support for 24 the ordinance? Is that the idea -- or rather
the law? 25 A. Yes.
26 Q. I think I have seen some
documents that 27 relate specifically to the bars and surveys
related to

28 the bars. Are there any other surveys?

Because I

99
1 didn't see any others in the documents that
2 produced to me.

bars.

the

been in

'90s?

bars and

the laws

about?

or

at or

a

questions

effects

that.

produced?

3 A. It was primarily surrounding the

4 Q. Has he been doing evaluation for

5 program for the entire time the program has

6 existence?

7 A. No.

8 Q. When did he start, roughly? Mid

9 A. Yes, roughly mid '90s.

10 Q. So he has done some surveys about

11 the knowledge about and public acceptance of

12 about -- laws prohibiting smoking in bars?

13 A. That's correct.

14 Q. What else has he done surveys

15 A. Any of the pre-test or post-test

16 surveys that have been conducted, he has looked

17 given input on, that type of thing. But on the

18 awareness and knowledge, he actually conducted

19 a telephone survey.

20 Q. When was that done?

21 A. It was a couple of years ago.

22 Q. Did the telephone survey have

23 relating to the public awareness of the health

24 of the environmental tobacco smoke?

25 A. I believe there was a question on

26 Q. I didn't see that document in the

27 documents produced. Do you know if it was

28 A. I do not.

100

1 Q. Do you know if it's in existence?

2 A. I don't for certain, but I

3 certainly could check.

4 Q. For the record, it would be nice

if you

5 could get a chance, if you could go back and

look and

6 see, because that might be a useful form of

document to

7 have. Do you know what the survey results were

with

8 respect to public knowledge about the health

effects of

9 environmental tobacco smoke?
10 A. Not that one particular question,
no. I
11 would have to go back and look at the results.
12 Q. You mentioned The Gable Group,
which we
13 will get to. Are there any other
subcontractors that
14 you can think of that the Tobacco Control
Program has
15 used other than the ones that we have discussed
already?
16 And other than The Gable Group.
17 A. There was one very early on in
the
18 program, and that was OB-GYN & Associates, and
they're
19 no longer in existence now, but that was
providing
20 information to pregnant women.
21 Q. Would that be information both
about the
22 effects of smoking and the effects of being
around
23 tobacco smoke?
24 A. Yes.
25 Q. Is that in the early '90s,
basically?
26 A. Yes.
27 Q. And how did they provide that
information?
28 Was it through flyers or direct interventions
or --

101
1 A. It was direct information given
to the
2 clients in some of the classes as they went
through
3 their prenatal classes.
4 Q. I see. So this had contacts with
5 prenatal --
6 A. Women were actually coming to the
clinic,
7 yes.
8 Q. The clinic?
9 A. Well, the OB-GYN & Associates,
the medical
10 group.
11 Q. I see. So that's actually a
medical group
12 that has -- I understand now. They are a group
that
13 provides -- generally speaking, provides
prenatal and
14 probably birth --
15 A. Yes, it was a birthing center.
16 Q. Okay. They received money from
your
what they
17 program that allowed them to incorporate, into
to tobacco
18 would normally do, information about exposure

19 smoke or environmental tobacco smoke?
20 A. Right.
21 Q. We have talked a fair amount
about warning
22 programs and educational programs that the
Tobacco
23 Control Program has performed or funded for
children. I
24 want to talk a little bit about the same types
of
25 things, but directed towards parents and
mothers.
26 Has the program ever engaged in
any sorts
27 of campaigns or events or even just discrete
warning
28 programs that focus on parents and reducing
exposure by

102
1 parents, reducing parents' exposure of ETS to
kids?

2 A. Yes.
3 Q. I saw references in the documents
to
4 something called a Women's Program. Does that
-- is
5 that a discrete program, or is that just a
general
6 reference?
7 A. That was -- I don't know if that

was --
8 there was a component. If you notice, going
through all
9 the progress reports, the emphasis has changed
over

10 time. If that's what you are referencing,
there was a
11 component of women and children -- not women
and
12 children -- women and young -- well, I guess it
was
13 women and children.

14 Q. When did the focus -- when did a
focus on
15 women and exposure to children -- exposure of
children
16 to ETS, when did that become more heavily
emphasized by
17 your program?

18 A. Well, it actually started in '91,
'92, and
19 there was -- any part of that that was a
women's
20 program, it was emphasized, and then perinatal
money was
21 devoted to another -- to the maternal and child
health
22 section. They also emphasized it.

23 Q. Generally speaking, how were --
how was
24 warning and educational information provided to
women by

25 the program?
26 A. We actually developed a
curriculum as well
27 as materials that could be used by providers.
There
28 were desktop flip charts, that type of thing,
that,

103
1 again, could actually be used by providers.
2 Q. When you say, "by providers," you
mean
3 healthcare providers?
4 A. Yes.
5 Q. Would you distribute these
various
6 materials to healthcare providers?
7 A. Yes. By and large, to community
clinics,
8 that type of thing.
9 Q. Community clinics, are those
clinics that
10 provide subsidized healthcare, or are they just
private
11 clinics?
12 A. I never thought about it that
way, but
13 they were community clinics.
14 Q. I guess what I am saying, are
they for
15 lower income healthcare?
16 A. Predominantly.
17 Q. This is probably a good time to
take you
18 through some documents that seem to be along
the lines
19 as you described that were in the things that
were
20 produced to us.
21 Could you mark this exhibit next
in order.
22 (Defendants' Exhibit No. 500 was
marked.)
23 BY MR. GROSS:
24 Q. Before we actually discuss this
one, I
25 just want to make sure I understood an earlier
answer
26 you gave. I take it then that educating women
about
27 health effects of environmental tobacco smoke
on their
28 children has been something that the program
has done

104
1 all along from '91 until now at varying levels
of
2 intensity?
3 A. Yes.
4 Q. And perhaps the programs and
intensity was
5 a little less during the period when there was

money

6 going to the perinatal program to do it?

7 A. Yes.

8 Q. And more during the time periods

when

9 that -- when that was no longer true?

10 A. Right.

11 Q. Okay. I put in front of you what

looks to

12 me to be a flyer that was in both English and

in Spanish

13 about smoking in the house. Is that a correct

summary

14 of what this is?

15 A. Yes.

16 Q. Is this one of the flyers that

you would

17 provide to healthcare providers to provide to
18 individuals?

19 A. Yes.

20 Q. Do you know if this specific one

was

21 provided to healthcare providers?

22 A. Yes, it was.

23 Q. And am I correct that this is in

English

24 and in Spanish?

25 A. Yes.

26 Q. And it indicates that exposure to
27 environmental tobacco smoke in the home can

cause

28 allergies, asthma, ear infections, chest colds,

and

105

1 increase the risk of sudden infant death

syndrome. Is

2 that right?

3 A. Yes.

4 Q. There's a phone number on this.

1 (800)

5 7-No-Butts is the phone number. Is that a hot

line for

6 tobacco cessation that the County administers?

7 A. It's a tobacco cessation, but the

County

8 does not administer it. This is an independent

contract

9 with the Tobacco Control section of the State.

10 Q. Did they provide -- when someone

calls in

11 to them, do they provide warning information to

people

12 who want to know about health effects?

13 A. Yes, but, predominantly, it's to

sign up

14 for counseling for cessation.

15 Q. The tobacco cessation programs,

just

16 generally speaking --

17 A. Mm-hmm.

of those

18 Q. -- in the county is a component

stop
on
order.
marked.)
before,
written
exactly --
distributed to
marked.)
Do you
materials?
meaning
that they
San
pamphlet
smoking?
distribute
Dimes?
materials
fairs and
would

19 programs educating the people who are trying to
20 smoking about the effect of their tobacco smoke
21 others?
22 A. To some extent, yes.
23 Q. Can you mark this exhibit next in
24 (Defendants' Exhibit 501 was
25 BY MR. GROSS:
26 Q. When you referred to flip charts
27 is Exhibit 500 an example of a flip chart?
28 A. This is not one we produced.

106
1 Q. But is that what this is?
2 A. I don't know.
3 Q. Do you know whether this piece of
4 warning material, whatever we want to call it
5 A. This looks like ads almost.
6 Q. Do you know if this was
7 people in San Diego County?
8 A. No, I don't.
9 Q. Okay. Mark this next exhibit.
10 (Defendants' Exhibit No. 502 was
11 BY MR. GROSS:
12 Q. I place before you Exhibit 502.

13 recognize this?
14 A. It's materials.
15 Q. I'm sorry. What type of
16 A. From local groups. We usually --
17 the program usually gets different materials
18 would distribute.
19 Q. So the March of Dimes has a local
20 Diego Chapter that distributes these -- this
21 about giving your baby a healthy start, stop
22 A. Yes.
23 Q. Did the Tobacco Control Program
24 this pamphlet as well or just the March of
25 A. No. Generally, if we have the
26 available, we will distribute them at health
27 that type of thing.
28 Q. Was this also something that you

1 distribute to health providers?
2 A. No, we wouldn't do that.
3 Q. So this was --
4 A. More public.
5 Q. -- that you would put -- that you

would

6 distribute to the general public?
7 A. Right.
8 Q. And it has information about the
health
9 effects of secondhand smoke on babies, correct?
10 A. Yes.
11 Q. Would you mark this exhibit next
in order.
12 (Defendants' Exhibit 503 was
marked.)

13 BY MR. GROSS:

14 Q. Do you recognize -- I'm sorry.

This is

15 Exhibit No. 503. Do you recognize this
pamphlet called
16 Photo-Talk About Tobacco?

17 A. Yes.
18 Q. Does this pamphlet provide

warnings

19 about -- provide information about the effect
of tobacco
20 smoke on small children?
21 A. Yes.
22 Q. Do you know how this -- Was this
23 distributed?

24 A. Yes.
25 Q. To whom was this distributed?
26 A. Again, it would be at public
venues.

fairs?

27 Q. Public health fairs, county
28 A. Right.

108

1 Q. Do you know the time frame in
which this
2 one specifically was distributed?
3 A. No.
4 Q. And the second -- the third and

fourth

5 pages of this exhibit, is that the same thing
in
6 Spanish?
7 A. It appears to be.
8 Q. At health fairs, were warning

materials

9 such as this that relate to environmental
tobacco smoke
10 typically distributed by the program or by
entities
11 funded by the program?
12 A. Yes.
13 Q. Did they come in languages other
than
14 English and Spanish, or were those the two
languages
15 that they came in?

16 A. Those are the two.
17 Q. Is that because Spanish is the
next most
18 predominant language?
19 A. Yes.
20 Q. Could you mark this exhibit next
in order.
21 (Defendants' Exhibit No. 504 was
marked.)
22 BY MR. GROSS:
23 Q. Do you recognize this pamphlet
that's
24 entitled Smoking and the Two of You?
25 A. Only by the American Lung
Association
26 logo.
27 Q. And the stamp that says
Distributed by the
28 American Lung Association of San Diego and
Imperial

109

1 Counties, does that mean that this is a
document that
2 they distributed to the public?
3 A. Yes.
4 Q. To whom does the American Lung
Association
5 San Diego County typically distribute flyers
like this?
6 A. At their different events, but
then they
7 would give their flyers to our programs as
well.
8 Q. So you would in turn distribute
flyers
9 like this at health fairs and things of that
nature?
10 A. Yes.
11 Q. How about to health providers?
Is this
12 one that would go to health providers?
13 A. We wouldn't distribute to them.
I don't
14 know if they do.
15 Q. What distinguishes the types of
materials
16 that are provided to health providers as
opposed to ones
17 that are provided to health fairs?
18 A. The ones that we provided to
health
19 providers were ones that were specifically
developed for
20 that particular module, if you would, when we
were doing
21 that program.
22 Q. So they are more tailored to --
23 A. The population.
24 Q. How are they more tailored? Wer
they
25 different languages or --
26 A. In some instances, different

languages and
27 others, again, if we were targeting women or
pregnant
28 women or women with families, then we would
develop

110
1 materials specifically to that.
2 Q. So far, most of these materials
that we
3 have gone through are not the ones that you
developed
4 yourself, but there are materials that are
similar to
5 the ones that we are looking at here, but that
were
6 developed by the Tobacco Control Program
itself?

7 A. Maternal and child health are the
8 particular ones, yes.
9 Q. And those ones, like these ones,
include
10 discussions about the effect of environmental
tobacco
11 smoke on babies and young children?
12 A. Yes.
13 Q. Would you mark this exhibit next
in order?
14 (Defendants' Exhibit No. 505 was
marked.)

15 BY MR. GROSS:
16 Q. Do you recognize this pamphlet or
flyer
17 about Smoking and Pregnancy, Exhibit 505?
18 A. Yes.
19 Q. Was this distributed in San Diego
County?

20 A. Yes.
21 Q. Do you know when it was
distributed in San
22 Diego County? Over the years, generally, or --
23 A. I guess from the onset when it
was
24 developed.
25 Q. This is something that was
developed by
26 the -- by a group called Tobacco Free
California. Is
27 that right?
28 A. Yes.

111
1 Q. Who are they?
2 A. It's a group of --
3 Q. Maybe I should help simplify.
4 A. Good.
5 Q. Is it a group that does -- among
other
6 things -- generally produces warning materials
about
7 tobacco smoke?
8 A. Yes.
9 Q. And you use their materials from

time to

10 time?
11 A. Yes.
12 Q. Would this be something that you
would use

13 at a health fair and other community events?

14 A. Yes.
15 Q. Please mark this exhibit next in

order.

16 (Defendants' Exhibit 506 was
marked.)

17 BY MR. GROSS:

18 Q. I place before you Exhibit No.
506. Do
19 you recognize these documents? There's more
than one
20 document here.

21 A. Yes.
22 Q. Are these documents -- Well,
besides the
23 article from The Sacramento Bee -- strike that.
24 Aside from the last pages of this
25 document, are the remainder of these documents
that were

26 created by the Tobacco Control Program in San

Diego?

27 A. No, these weren't created by us.
28 Q. Do you know who created these?

112

1 A. It just looks like snip-its from
what the
2 American Lung Association puts out.
3 Q. And this first one, is this an ad
that's

4 published in media about the health effects of
5 environmental tobacco smoke on children?
6 A. It looks like it.
7 Q. So you're not specifically

familiar with

8 it?
9 A. Not this front one, no. I know

-- well --

10 Q. What are you familiar with in
this?
11 A. Well, the health effects of
secondhand
12 smoke. This was all standard kind of language
that they

13 have used, secondhand smoke facts.

14 Q. I see. And they incorporate this
language
15 about secondhand smoke into their written

warning

16 materials?
17 A. Right. Right.

18 Q. That's the American Lung
Association?

19 A. Right. On the back is Americans
for
20 Nonsmokers' Rights.

21 Q. Do both of those groups
distribute written

22 materials like these that relate to
environmental
23 tobacco smoke in San Diego County?
24 A. Yes.
25 Q. Have they both done so since the
beginning
26 of the Tobacco Control Program?
27 A. At some degree, yes.
28 Q. And their efforts are in addition
to the

113
1 efforts that you -- your program is doing in
that
2 regard?
3 A. Yes.
4 Q. Do they do anything that relates
to
5 environmental tobacco smoke that comes in the
form of
6 anything other than a flyer or a print ad? And
there
7 was Americans for Nonsmokers' Rights or the
American
8 Lung Association.
9 A. Other than print?
10 Q. Yeah. Are they doing other
things to
11 provide the public with warnings about ETS?
12 A. Well, I mean, they have been on
TV from
13 time to time. I'm not sure what you are
getting at.
14 Q. That's what I am getting at.
They do
15 television media, paid for media?
16 A. From time to time. Or when there
was --
17 or unpaid. I mean --
18 Q. Public service?
19 A. Right.
20 Q. Now, I think I confused things by
21 combining together both the American Lung
Association
22 and the Americans --
23 A. -- for Nonsmokers' Rights.
24 Q. Yeah. Do each of those
organizations
25 do -- have each of those organizations done
media --
26 television media that relates to health effects
of
27 environmental tobacco smoke?
28 A. It's -- I mean, American for
Nonsmokers'

114
1 Rights, I have not seen anything that they have
ever
2 done in the media.
3 Q. But the American Lung Association
has in
4 San Diego County?

of their
nationwide?
that in
directly
information for
trying to
things of
that we
spoken
at
Program, since
adults
children to
campaigns that
think we
think of

5 A. Well, if they have, it's a part
6 parent organization. I mean, I don't --
7 Q. A part of the statewide or
8 A. Right. Right.
9 Q. You believe that they have done
10 San Diego County?
11 A. Minimally. They usually work
12 with employers or entities to provide
13 policy development.
14 Q. In other words, do things like
15 prevent -- promote smoke-free work places and
16 that nature?
17 A. Right.
18 Q. Other than the print materials
19 have gone through and that you have generally
20 about that were distributed at health fairs and
21 health providers, has the Tobacco Control
22 1990, done anything else to educate parents or
23 about the health effects of exposing their
24 environmental tobacco smoke?
25 A. And you did say other than
26 we have already mentioned?
27 Q. Well, other than the two that I
28 have mentioned, which are -- I guess I didn't

warning
materials
warning
pieces that
or the
of other

115 1 them as campaigns -- but warnings, sending
2 materials to health fairs and putting warning
3 in the hands of health providers, written
4 materials.
5 A. Right. And any of the media
6 we have done?
7 Q. Which media pieces have you done?
8 A. Meaning back to the radio station
9 TV ads.
10 Q. The ones we already discussed?
11 A. Right, right.
12 Q. The ATAC --
13 A. Right.
14 Q. -- ads, and there were a couple
15 sets of ads that we talked about.

Have
parents or
the
visual of
thing. That
workplace
a
16 17 18 19 20 21 22 23 24 25 26 27 28

A. Right.
Q. Anything else other than those?
there ever been any events that focus on
adults avoiding exposing their children to ETS?
A. There have been some events that
coalition has participated in.
Q. Can you describe those events?
A. Well, one, for example, was a
crushing a pack of cigarettes, that type of
was right around the time when the smoke-free
law came into effect.
Q. A visual, do you mean -- is this
television ad?

116
invited.
running
filmed.
not only
smoking issues?
1996?
of
component?
from time
thing. I
broadest
helpful.
materials at
items for
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

A. It was for TV. I mean media was
It was for TV. Actually, it has a steam roller
over packs of cigarettes.
Q. Mm-hmm.
A. But it wasn't something that they
I mean, they invited media --
Q. -- to cover it?
A. To cover it.
Q. And in that event, they discussed
direct smoking but environmental tobacco
A. To a limited extent.
Q. When did that take place? Around
A. Yeah, around then.
Q. Any other events where the effect
environmental tobacco smoke on children was a
A. Well, I mean, we had information
to time at the Del Mar Fair, that type of
don't know if that's what you are going --
Q. That is, I'm really asking in the
sense. So anything you can come up with is
The Del Mar Fair is a county fair?
A. Yes.
Q. General purpose fair?
A. Right.
Q. And you would provide warning
the fair?
A. We had materials and incentive

28 youth.

117

something?

we have

years, we

where any

provided by

than

washes? I'm

the --

van,

beach

point in

through

was?

years ago.

information,

music and

118

1 pass out information?

things that

things, too,

reaching

guess by

in the

Q. Did you have a booth or

A. Yes. Not every year, but, yes,

had that throughout the last 10 years.

Q. Most years?

A. Probably at least five of those

years, we probably went to the Del Mar Fair.

Q. What's an incentive item?

A. A pencil with, you know --

Q. A warning on it?

A. Yeah. Or --

Q. You give those away?

A. Right.

Q. Are there other community events

kind of ETS information is provided by -- or

the Tobacco Control Program to the public other

fairs and health fairs, church events, car

trying to think of events that take place.

A. I know we have had like one of

there's -- well, the radio stations has a large

bus-type thing that goes around, you know, to

activities and that type of thing. And at one

time, there was information provided to youth

that. I'm trying to think of others.

Q. Do you know roughly when that

A. That was probably about five

Q. So mid '90s.

So they would -- when you say

like they would drive up on the beach and have

music and

things that

they would pass out with a number of other

depending upon what --

Q. So that's another example of

reaching

guess by

in the

youth.

Have you had any campaigns -- I

"campaign," I mean sort of an extended event --

county? For example, I guess I think of the

93-day

10 smoke-free program as a campaign. Anything
that lasts
11 for a period of time. Have you had any special
12 campaigns in this county that relate to
environmental
13 tobacco smoke as the focus? Smoke-free cars or
14 smoke-free homes campaign or anything like
that?

15 A. The only other one that I think
would come
16 close is when we did -- when the bars became
smoke-free,
17 and so we did a -- you know, ads and that type
of thing.

18 Q. That was a sustained period --
19 A. Right. Right.
20 Q. -- activity. Okay. We will get
to that.

21 A. Okay.
22 Q. I have a fair amount of
materials.

23 A. Okay.
24 Q. Other than smoke-free bars,
though, are
25 there other examples of campaigns that focus on
ETS
26 exposure that you can think of?
27 A. Not that I can think of.
28 Q. Could you mark this as the next
exhibit.

119
1 (Defendants' Exhibit No. 507 was
marked.)

2 BY MR. GROSS:
3 Q. This is a document that was
produced to me
4 by your office. Do you recognize it?
5 A. Community events that we
participated in.

6 Q. These are, I take it, then an
example, set
7 of examples, of the types of fairs and
community events
8 where you would be distributing tobacco-related
9 information, including information about
environmental
10 tobacco smoke?

11 A. Right.
12 Q. Has another component of the
Tobacco
13 Control Program's ETS-related activities been a
14 smoke-free work place warning programs or
campaigns?

15 A. Yes.
16 Q. Is it correct that there the
focus in the
17 mid '90s was the smoke-free work places
generally, and
18 then later the focus was a smoke-free bar, as
the law
19 came into effect that required smoke-free bars?

20 A. Yes.
21 Q. Would you mark this as the next
exhibit.
22 (Defendants' Exhibit 508 was
marked.)
23 BY MR. GROSS:
24 Q. I have placed before you Exhibit
508. Are
25 you familiar with this document?
26 A. Yes.
27 Q. Is this a guide that you provided
to work-
28 places, your program provided to workplaces, to
help

120 1 them implement smoke-free workplaces?
2 A. Yes.
3 Q. How was this distributed? Let me
put it
4 this way. To whom was this distributed?
5 A. Well, as it said, to a number of
business
6 leaders and community educators; so folks that
were
7 actually involved with work sites. This was
also given
8 to different large entities that possibly we
were
9 receiving smoking complaints from.
10 Q. In other words, if there was some
office
11 that didn't seem to be having a smoke-free work
12 environment, that would be something that you
would send
13 this to?
14 A. Yes.
15 Q. If you turn to Page 41, there's a
16 reference to a tobacco quiz. Is this a quiz
that was to
17 be provided to the employees of these
workplaces?
18 A. Yes.
19 Q. And did it involve questions and
then, of
20 course, answers where it related to the health
effects
21 of environmental tobacco smoke?
22 A. There were some, yes.
23 Q. On Page 43, is this a summary of
24 information about the effects of secondhand
smoke on
25 people who don't smoke?
26 A. Yes.
27 Q. Were these -- were these guides
provided
28 to employers and business leaders and community
121 1 educators in the '95 time frame or thereabouts?
2 A. Yes.
3 Q. Were they provided at any other
time?

4 A. As long as the supply lasts.
5 Q. If I wanted to know how many of
these were
6 produced and distributed, could I find that out
from the
7 program reports?
8 A. Some of it should be listed in
there, yes.
9 Q. Do you know if this was produced
in other
10 languages as well?
11 A. I don't remember if this was
actually
12 translated to Spanish. Some of these documents
were
13 also submitted to the clearinghouse.
14 Q. So that they could be used by
other
15 counties?
16 A. Yes.
17 Q. Could you mark this one as
exhibit next in
18 order?
19 (Defendants' Exhibit No. 509 was
marked.)
20 MR. GROSS: Do you need to take a break?
21 THE WITNESS: Yes.
22 MR. GROSS: This is a good time.
23 (A recess was taken.)
24 BY MR. GROSS:
25 Q. I marked -- and I think it's
right there
26 over on your stack -- Exhibit No. 509. Looks
like it's
27 A Guide to the California State Workplace
Smoking Law
28 created by the County of San Diego. Off the
record.

122
1 (A discussion was held off the
record.)
2 BY MR. GROSS:
3 Q. Is this a guide that your office
created
4 to provide employers with information about
local
5 smoking ordinances?
6 A. Yes.
7 Q. Was this distributed to employers
8 generally?
9 A. Yes.
10 Q. Do you know what employers it was
11 distributed to?
12 A. Specifically, no.
13 Q. Types of employers?
14 A. Generally, small -- smaller ones.
15 Q. To give them an idea of what they
had to
16 comply with?
17 A. Exactly.
18 Q. Also, did -- sorry.
19 Am I correct that this guide also

explains

20 why such laws are needed, including an
explanation about

21 the health effects associated with
environmental tobacco

22 smoke?

23 A. Yes.

24 Q. Was this also something that was
25 distributed around the '95, '96 time frame?

26 A. Yes.

written

27 Q. Other than distributing the
28 materials that we just went through --

123

1 A. If you don't mind --

2 Q. Sure. Let's take a break.

3 (A recess was taken.)

4 BY MR. GROSS:

5 Q. Let me pick up with what we were

talking

6 about just before the break. Other than

distributing

7 the written materials that we have just gone

through, is

8 there anything else that the Tobacco Control

Program did

9 in connection with the implementation or

enforcement of

10 workplace smoking laws?

11 A. Okay. We did -- or encouraged

voluntary

12 compliance of ordinances. We did not do

enforcement as

13 such, meaning we did not levy fines or give

citations,

14 that type of thing. We always encouraged

voluntary

15 compliance. If that did not occur, then we

would submit

16 the work site over to the appropriate

authority.

17 Q. So you monitored work sites

though and --

18 how did you become aware of work sites that

weren't

19 complying?

20 A. It was totally compliant driven.

So we

21 had a telephone line that people could call in

if they

22 felt that the law was being broken.

line?

23 Q. Do you still have this telephone

24 A. Yes.

when?

25 Q. So that's been in effect since

26 1995?

27 A. About.

about

28 Q. And do you receive a lot of calls

124

1 workplace or bar noncompliance?
2 A. There were more calls before
workplaces
3 went smoke-free in its entirety, and then they
pretty
4 much leveled off -- or trailed off, I should
say, until
5 bars went smoke-free, and then it's been
predominantly
6 complaints about bars.
7 Q. So when you receive complaints
about any
8 of these entities, do you contact those
entities and
9 encourage them specifically to be smoke-free?
10 A. Yes. We provide them with the
law and a